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*Washington, Saturday, November 24, 1945*

## *The President*

### EXECUTIVE ORDER 9658

#### POSSESSION, CONTROL, AND OPERATION OF THE TRANSPORTATION SYSTEM, PLANTS, AND FACILITIES OF THE CAPITAL TRANSIT COMPANY, WASHINGTON, DISTRICT OF COLUMBIA

WHEREAS after investigation I find and proclaim that as a result of a labor dispute there are existing interruptions of the operations of the transportation system, plants, and facilities of the Capital Transit Company, Washington, District of Columbia; that the war effort will be unduly impeded and delayed by such interruptions; that it has become necessary to take possession and assume control of the said transportation system, plants, and facilities for purposes that are needful or desirable in connection with the present wartime emergency; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure in the national interest the operation of the said transportation system, plants, and facilities:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940 as amended by section 3 of the War Labor Disputes Act, the act of August 29, 1916, 39 Stat. 845, and the First War Powers Act, 1941, as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The Director of the Office of Defense Transportation is authorized and directed, through or with the aid of any public officers, Federal agencies, or other government instrumentalities that he may designate, to take possession and assume control of the said transportation system, plants, and facilities owned or operated by the Capital Transit Company, including all real and personal property and other assets used or useful in connection with the operation of such transportation system, plants, and facilities, and to operate or to arrange for the

operation of the said transportation system, plants and facilities in such a manner as he may deem necessary to carry out the provisions, and accomplish the purposes of this order.

2. Subject to applicable provisions of existing law, including the orders of the Office of Defense Transportation issued pursuant to Executive Orders 8963, as amended, and 9156, the said transportation system, plants, and facilities shall be managed and operated under the terms and conditions of employment in effect at the time possession is taken under this order.

3. Except with the prior written consent of the Director, no attachment by mesne process, garnishment, execution, or otherwise shall be levied on or against any of the real or personal property or other assets, tangible or intangible, in the possession of the Director hereunder.

4. Possession, control, and operation of any plant or facility, or of the transportation system, or any part thereof, or any real or personal property, taken under this order shall be terminated by the Director when he determines that such possession, control, and operation are no longer necessary to carry out the provisions, and accomplish the purposes of this order.

5. For the purposes of paragraphs 1 to 4, inclusive, of this Order, there are hereby transferred to the Director the functions, powers and duties vested in the Secretary of War by that part of section 1 of the said Act of August 29, 1916, reading as follows:

The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes in connection with the emergency as may be needful or desirable.

6. The Director of the Office of Defense Transportation may request the Secretary of War to furnish protection for persons employed or seeking employment in the plants, facilities, or transportation

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##### 1944 Supplement

The following books of the 1944 Supplement to the Code of Federal Regulations are now available from the Superintendent of Documents, Government Printing Office, at \$3 per copy:

Book 1: Titles 1-10, including Presidential documents in full text.

Book 2: Titles 11-32.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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system of which possession is taken and to furnish protection for such plants, facilities, and transportation system, and may request the Secretary of War to furnish equipment, manpower, and other facilities or services deemed necessary by the Director to carry out the provisions, and accomplish the purposes of this order; and the Secretary of War is authorized and directed upon such request to take such action as he deems necessary to furnish such protection, equipment, manpower, or other facilities or services.

HARRY S. TRUMAN

THE WHITE HOUSE,  
November 21, 1945.

[F. R. Doc. 45-21139; Filed, Nov. 21, 1945;  
4:21 p. m.]

## EXECUTIVE ORDER 9659

## EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING CALENDAR YEAR 1946

By virtue of and pursuant to the authority vested in me by section 5 of the act of February 8, 1887, 24 Stat. 388, 389, by the act of June 21, 1906, 34 Stat. 325, 326, and by the act of March 2, 1917, 39 Stat. 969, 976, and other applicable provisions of law, it is hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1946, be, and they are hereby, extended for a further period of twenty-five years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which Congress has specifically reserved to itself authority to ex-

tend the period of trust on tribal or individual Indian lands.

HARRY S. TRUMAN

THE WHITE HOUSE,  
November 21, 1945.

[F. R. Doc. 45-21163; Filed, Nov. 23, 1945;  
9:49 a. m.]

## Regulations

## TITLE 7—AGRICULTURE

## Chapter III—Bureau of Entomology and Plant Quarantine

## [Quarantine 64]

## PART 301—DOMESTIC QUARANTINE NOTICES

## SUBPART—MEXICAN FRUITFLY QUARANTINE

*Introductory note.*—The following revision of the Mexican fruitfly quarantine and regulations provides for eliminating the use of permits for part or all of the regulated area or of the regulated fruits for a part of any year by the Chief of the Bureau of Entomology and Plant Quarantine when he has determined that natural conditions exist with respect to designated areas or host fruits which have eliminated the risk of infestation of the Mexican fruitfly in any stage of development, and when he has given notice thereof in administrative instructions. This revision also makes other minor modifications.

B.E.P.Q. 472 as revised effective September 25, 1941, specifying the type of sterilization treatments that are authorized remains in effect.

Applications for permits should be made to the Bureau of Entomology and Plant Quarantine, 503 Rio Grande National Life Building, Harlingen, Tex.

The Secretary of Agriculture has determined that it is necessary further to revise the Mexican fruitfly quarantine and regulations supplemental thereto which were last revised effective July 3, 1944, 7 CFR 1944 Supp., 301.64; B.E.P.Q.—Q. 64, in order to modify the permit requirements. The quarantine and regulations are therefore hereby revised to read as follows:

Sec.	
301.64	Notice of quarantine.
301.64-1	Definitions.
301.64-2	Regulated area.
301.64-3	Permit requirements for citrus fruits.
301.64-4	Conditions governing the issuance of shipping permits.
301.64-5	Conditions required in the regulated area.
301.64-6	Inspection in transit.
301.64-7	Shipment for experimental or scientific purposes.

*Authority:* §§ 301.64 to 301.64-7, inclusive, issued under section 8, Plant Quarantine Act, August 20, 1912, as amended 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.

§ 301.64 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended, and having held the public hearing required thereunder the Secretary of Agriculture quarantines the State of Texas to prevent further spread

of the Mexican fruitfly (*Anastrepha ludens* (Loew)). Hereafter no fruits of any variety shall be moved by any person, firm, or corporation from the said quarantined State into or through any other State, or Territory, or District of the United States under conditions other than prescribed herein or in the regulations supplemental hereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto or modifications thereof as hereinafter provided, may be limited to the areas in the State of Texas now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas, except that any such limitation shall be conditioned upon the said State providing for and enforcing the control of the intrastate movement of host fruits from such areas under conditions which apply to their interstate movement under provisions of the Federal quarantine regulations currently existing, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof, as in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the Mexican fruitfly: *Provided further*, That, except as to extension or reduction of the regulated areas, the Chief of the Bureau of Entomology and Plant Quarantine may modify by making less stringent through administrative instructions any of the restrictions of the regulations supplemental hereto when in his judgment such action may be taken without risk of spread of the Mexican fruitfly.

§ 301.64-1 *Definitions.* For the purpose of §§ 301.64 to 301.64-7, inclusive, the following words shall be construed respectively to mean:

(a) *Mexican fruitfly.* The insect known as the Mexican fruitfly (*Anastrepha ludens* (Loew)) in any stage of development.

(b) *Regulated areas.* The areas in the State of Texas now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisions of § 301.64 as revised.

(c) *Host fruits.* Fruits susceptible to infestation by the Mexican fruitfly, namely, mangoes, sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus *Casimiroa* and all other fruits commonly called sapotas or sapotes), peaches, guavas, apples, pears, plums, quinces, apricots, mameys, ciruelas, fruit of species of the genus *Sargentia*, and all citrus fruits except lemons and sour limes, together with any other fruits which may later be determined as susceptible.

(d) *Harvesting season.* A period during which host fruits are permitted to be harvested for movement interstate.

(e) *Host-free period.* A period during which no mature host fruits are produced or permitted to exist within the regulated area except as provided in §§ 301.64 to 301.64-7, inclusive, or under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine.

(f) *Inspector.* An inspector of the United States Department of Agriculture.

(g) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the area designated as regulated in the State of Texas into or through any other State or Territory or District.

(h) *Permits*—(1) *Shipping permits.* Documents, issued by an inspector, authorizing movement of regulated articles.

(2) *Master permit.* A document, issued by an inspector, which must accompany every shipment of six or more containers of certified citrus fruits in addition to the shipping permits.

(3) *Harvesting permit.* A document authorizing the harvesting of citrus fruits within the regulated area for movement to points outside thereof.

(4) *Packer's permit.* A document authorizing operation of a packing plant for the purpose of shipping restricted citrus fruits from the regulated area.

§ 301.64-2 *Regulated area.* In accordance with the first proviso to § 301.64 the Secretary of Agriculture designates as regulated area the counties of Brooks, Cameron, Dimmit, Hidalgo, La Salle, Webb, and Willacy in the State of Texas, and that portion of Jim Wells County, Tex., lying south of Highway 141 and a line projected due west to the Jim Wells-Duval County line from the point where Highways 141 and 66 intersect.

§ 301.64-3 *Restrictions on interstate movement*—(a) *Permit requirements for citrus fruits.* Grapefruits, oranges, and other citrus fruits except lemons and sour limes, shall not be moved interstate from a regulated area unless every crate, box, or other container of such host fruits has attached thereto a valid shipping permit. In addition to the shipping permit every shipment of six or more crates, boxes, or other containers of citrus fruits moved interstate shall be accompanied by a master permit showing the number of containers, the consignor, the consignee, the destination, and, in the case of carlot or road vehicle movement, the freight car number and initials or the license number of the road vehicle. However, the above permit requirements, as they relate to part or all of the regulated area or of the regulated fruits, may be waived during part of any year by the Chief of the Bureau of Entomology and Plant Quarantine when he has determined that natural conditions exist with respect to the designated areas or host fruits which have eliminated the risk of infestation of the Mexican fruitfly in any stage of development, and when he has given due notice thereof in administrative instructions.

(b) *Movement of noncitrus host fruits prohibited.* Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas (see § 301.64-1 (c)), guavas, mameys, ciruelas, and fruits of species of the genus *Sargentia* shall not be moved interstate

from the regulated area and no permits will be issued for such movement.

(c) *No restrictions on lemons, sour limes, and manufactured fruit products.* No restrictions are placed by §§ 301.64 to 301.64-7, inclusive, on the interstate movement of lemons, sour limes, or products manufactured from host fruits.

(d) *Movement through regulated area.* No restrictions are placed by §§ 301.64 to 301.64-7, inclusive, on the interstate movement of restricted fruits from an area not under regulations through a regulated area when such movement is on a through billing.

§ 301.64-4 *Conditions governing the issuance of shipping permits.* Permits for the interstate movement of grapefruit, oranges, and other restricted citrus fruits from the regulated area may be issued by the inspector upon his determination that the proposed movement does not involve risk of spread of the Mexican fruitfly. Such determination will be based on compliance with the following conditions:

(a) *Grove inspection and sanitation.* The grove in which the fruit was produced shall have been maintained in compliance with the host-free requirement provided in § 301.64-5 (a). The grove shall further have been maintained in compliance with such other requirements as may be enforced by the State of Texas for the suppression of Mexican fruitfly infestation. Permits may be issued for the interstate movement of fruit produced only in such groves as have been inspected prior to the harvesting of the fruit concerned and have been found free from Mexican fruitfly infestation: *Provided*, That, if a grove or portion thereof from which the fruit is to be shipped is within an infested zone established under § 301.64-5 (b), permits for the interstate shipment of such fruit may be issued only after the fruit has been sterilized or otherwise treated or handled in manner or by methods prescribed by the Chief of the Bureau of Entomology and Plant Quarantine.

(b) *Packing-house requirements.* Persons desiring to operate a packing plant for the purpose of shipping restricted citrus fruits from the regulated area shall apply for and secure a packer's permit from the Bureau of Entomology and plant Quarantine, Harlingen, Tex., and agree in writing to operate such plant in compliance with §§ 301.64 to 301.64-7, inclusive, and the regulations of the Texas State Department of Agriculture, including those applying to sanitation requirements, harvesting, sterilization, packing, and shipping of restricted citrus fruits, and in addition shall maintain and make available for examination by authorized inspectors records of all receipts and sales or shipments of restricted citrus fruits.

(c) *Application to harvest fruit.* Persons desiring to harvest citrus fruit within the regulated area for movement to points outside such area may be required to secure harvesting permits when in the judgment of the inspector the requirement of such permits is ne-

cessary to prevent the spread of the Mexican fruitfly, and when due notice to that effect has been given by the inspector. Applications for such permits, when required, shall show the kind and quantity of the citrus fruit it is proposed to harvest for movement, the location and ownership of the grove from which it will be harvested, and the location at which it will be packed for shipment. The permit issued by the inspector will include provisions needed to assure compliance with these regulations and the regulations of the Texas Department of Agriculture.

(d) *Containers.* Shipping permits will be issued for the interstate movement of only such fruit as is packed in containers customarily used in the regulated area for the commercial shipment of citrus fruits, and of such nature as will permit the inspector to identify the contents thereof.

(e) *Sterilization may be required.* Sterilization of host fruits in manner and by method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine may be required as a condition for the issuance of permits for interstate movement thereof when in his judgment the shipments concerned might otherwise involve risk of spread of the Mexican fruitfly.

(f) *Destination limitations.* Permits may be limited as to destination and when so limited the fruits covered thereby shall not be moved interstate from the regulated area, directly or indirectly, either in the original containers or otherwise, to destinations other than those authorized in such permits, except to the usual diversion points for diversion to authorized destinations only.

(g) *Cancellation of permits.* Permits issued under §§ 301.64 to 301.64-7, inclusive, may be withdrawn or canceled and further permits refused, whenever in the judgment of the Bureau of Entomology and Plant Quarantine, the further use of such permits might result in the dissemination of the Mexican fruitfly.

§ 301.64-5 *Conditions required in the regulated area.* The interstate movement of grapefruit, oranges, and other restricted citrus fruit from the regulated area under permits issued by the United States Department of Agriculture will be conditioned on the State of Texas providing for and enforcing the following control measures in manner and by method approved by the United States Department of Agriculture, namely:

(a) *Harvesting season and host-free period.* The harvesting season of grapefruit, sweet limes, and "sour" and "bittersweet" oranges produced within the regulated area shall begin on the first day of September each year and end at midnight on June 15 of the following year, and a host-free period for these fruits shall be maintained each year beginning on the 16th day of June and continuing through the last day of August: *Provided*, That the harvesting season of commercial varieties of sweet oranges, kumquats, tangelos, and all varieties of the mandarin group of oranges, shall extend

throughout the year. However, sterilization as specified in § 301.64-4 (e) may be required for any citrus fruits, and the harvesting season and the host-free period in any regulated area shall be subject to such modification as to duration as may be approved by the Chief of the Bureau of Entomology and Plant Quarantine.

Prior to the host-free period each year, all grapefruit, sweet limes, and "sour" and "bittersweet" oranges shall be removed from the trees for destruction, immediate shipment, or storage with adequate protection to prevent infestation, and all noncitrus host fruits shall be removed from the trees and either destroyed or stored with adequate protection to prevent infestation.

Other than those citrus fruits, the harvesting season for which extends throughout the year, no host fruits, shall be permitted to remain on the trees within a regulated area at any time during the host-free period except fruit in an immature stage.

(b) *Infested zones.* Upon the finding of a Mexican fruitfly infestation within a regulated area, which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine constitutes a risk of spread of such fly, an infested zone to include part or all of one or several groves or larger areas shall be designated by the State of Texas subject to approval by the United States Department of Agriculture and no host fruits in susceptible stages of maturity produced within such zone shall be moved interstate except under the conditions specified in the proviso of § 301.64-4 (a).

§ 301.64-6 *Inspection in transit.* Any car, vehicle, basket, box, crate, or other container, moved interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by §§ 301.64 to 301.64-7, inclusive, shall be subject to inspection by inspectors at any time or place.

§ 301.64-7 *Shipment for experimental or scientific purposes.* Fruits subject to restriction in §§ 301.64 to 301.64-7, inclusive, may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of fruits so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

This revised quarantine and regulations shall be effective on and after November 26th, 1945, and shall supersede the revision of July 3, 1944.

Done at the city of Washington this 21st day of November 1945. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

J. B. HUTSON,  
Acting Secretary of Agriculture.[F. R. Doc. 45-21199; Filed, Nov. 23, 1945;  
11:15 a. m.]Chapter IV—Production and Marketing  
Administration (Crop Insurance)

## PART 419—COTTON CROP INSURANCE REGULATIONS FOR THE 1946 AND SUCCEEDING CROP YEARS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to the 1946 and succeeding cotton crop insurance programs, until amended or superseded by regulations hereafter made.

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## REFUNDS OF EXCESS NOTE PAYMENTS

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- 419.33 Determination of farm average yields of lint cotton per acre.  
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## GENERAL

- 419.37 Meaning of terms.  
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AUTHORITY: §§ 419.1 to 419.45, inclusive, issued under secs. 506 (e), 507 (c), 503, 509, and 516 (b) of the Federal Crop Insurance Act, as amended; 52 Stat. 73, 52 Stat. 835, 53 Stat. 918; 7 U.S.C. 1506 (e), 1507 (c), 1503, 1509, 1516 (b).

## MANNER OF OBTAINING INSURANCE

§ 419.1 *Availability of cotton crop insurance.* (a) Cotton crop insurance will be offered on the cotton crops grown for harvest in 1946 and succeeding crop years in accordance with this part. Cotton crop insurance against loss in yields will be offered on American Upland cotton only. The coverage per acre of cotton crop insurance will be 50 or 75 percent of the average yield of lint cotton for the farm. The insurance shall cover the loss of cottonseed production only if the producer applies for such coverage.

(b) Insurance will not be provided in any county unless written applications for insurance on crops authorized to be insured are filed, which, together with the contracts in force, cover at least fifty farms, or one-third of the farms normally producing these crops, except that insurance may be provided for producers on farms situated in a local producing area bordering on a county with a crop insurance program.

§ 419.2 *Application for insurance.* Application for insurance on a form entitled "Application for Cotton Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, tenant, or sharecropper, in a cotton crop. An application shall cover the applicant's interest in the cotton crop on all insurance units located, or considered for crop insurance purposes to be located, in the county or, where applicable, on all insurance units in the local producing area, in which the applicant has an interest at the time of the planting of the cotton crop to be harvested in 1946 and any succeeding crop year while the contract remains in force. Applications shall be submitted to the office of the county association on or before the applicable closing date shown in § 419.44.

§ 419.3 *Acceptance of applications by the Corporation.* (a) Upon acceptance of an application by a duly authorized



representative of the Corporation, the insurance contract shall be in force and effect commencing with the first crop year beginning after submission of the application, provided such application is submitted in accordance with the provisions of the application and of this part, including any amendments thereto. The applicant's copy of the accepted application shall be mailed to him.

(b) The Corporation reserves the right to reject any application for insurance with respect to any one or more of the insurance units covered by the application. The Corporation also reserves the right to limit, in any year, the insurance on the applicant's interest in any insurance unit covered by the application or insurance contract to 50 percent of the average yield for such unit.

(c) Insurance contracts covering farms situated in a local producing area shall be handled in the office of the county association of an adjoining county with a crop insurance program.

§ 419.4 *Termination of insurance contract.* (a) Subject to the provisions of paragraph (b) of this section, the insurance contract shall be in effect for the first full crop year following submission of the application and shall continue for each succeeding crop year until either party gives to the other party, on or before January 31 of any year, written notice of termination effective at the beginning of the succeeding crop year: *Provided, however,* That the insured may, in case he is affected by an increase in the premium rate(s) or a reduction in the insurance coverages from the next preceding crop year, terminate the contract by giving written notice to the Corporation on or before the applicable closing date for filing applications for the crop year in question. Failure to terminate the contract, as herein provided, shall constitute acceptance of changes, if any, in the premium rate(s) or insurance coverages or in this part. Any notice given by the insured to the Corporation pursuant to this paragraph shall be submitted in writing to the office of the county association.

(b) If the minimum participation requirement set forth in § 419.1 (b) hereof is not met for any year, contracts then in force shall continue in force only to the end of the crop year for which such requirement is not met: *Provided, however,* That if such contracts, together with new applications for crop insurance filed on or before the following January 31, are sufficient to meet the minimum participation requirement, such contracts shall continue to be in force.

(c) If for two consecutive years no cotton in which the insured has an insurable interest is planted in the county, the contract shall terminate.

#### INSURANCE COVERAGE

§ 419.5 *Insurable and non-insurable farms.* Any farm or part thereof which is designated on the crop-insurance listing sheet as "non-insurable," because of the insurance risk involved, shall not be considered in any manner whatsoever under the insurance contract, except as provided in § 419.17 (b) hereof. The

Corporation may determine that a farm or part thereof is noninsurable for any crop year, and so designate it on the listing sheet at any time before the applicable calendar closing date for the filing of applications for insurance for such year. Any farm or part thereof not so designated is insurable.

§ 419.6 *Determination of insured acreage.* Insurance shall not attach with respect to (a) any acreage planted to cotton which is put to another use before it is too late to replant to cotton, as determined by the Corporation, or (b) any acreage planted to cotton which is destroyed or substantially destroyed before it is too late to replant to cotton, as determined by the Corporation, and the acreage is left idle or is fallowed until it is too late to replant to cotton. The insured acreage with respect to each insurance unit shall be either the acreage of cotton planted as reported by the insured or the acreage determined by the Corporation as planted thereon, whichever the Corporation shall elect: *Provided, however,* That the Corporation reserves the right to limit the acreage to be insured in any year to conform with other programs of the Department of Agriculture. Promptly after planting a cotton crop each year, the insured shall submit to the Corporation, on a form entitled, "Cotton Acreage Report," a separate report of the acreage planted to cotton on each insurance unit in which he has an interest at the time of planting and his interest at the time of planting in the cotton crop planted.

§ 419.7 *Insurance period for the crop year.* Insurance with respect to any insured acreage shall attach at the time the cotton is planted. Insurance shall cease with respect to any portion of the cotton crop covered by the insurance contract upon weighing in at the gin, or disposal of the harvested crop, or transfer of interest in unharvested cotton after harvest has commenced, but in no event shall the insurance remain in effect later than March 31 of each year in Arizona, California, and New Mexico, or January 31 of each year in all other states, unless such time is extended in writing by the Corporation.

§ 419.8 *Insured production of lint cotton.* The insured production of lint cotton for each insurance unit for each year under the contract shall be the number of pounds of lint cotton determined by multiplying the insured acreage by the average yield per acre, by the insured percentage (50 or 75 percent), and by the insured interest in the crop at the time of planting. If more than one average yield has been established for the insurance unit, the insured production shall be computed separately, using the applicable acreage for each yield, and the total of such computed amounts shall be the insured production of lint cotton for the insurance unit.

§ 419.9 *Causes of loss insured against.* The insurance contract shall cover loss in yield of lint cotton (and cottonseed production, if insured) due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning,

fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation: *Provided, however,* That in that part of Kings County, California, lying south of a line beginning at a point where the northern boundary of section 30, Township 20 South, Range 19 East, if extended, would intersect the Fresno County boundary, thence east from said point in a straight line along the northern boundary of said section 30 to Tulare Lake Canal, thence along Tulare Lake Canal to the northern boundary of Township 21 South, Range 21 East, thence due east to the Atchison, Topeka and Santa Fe Railroad, and thence along the Atchison, Topeka and Santa Fe Railroad line in a southeasterly direction to the Tulare County line, and in such other counties or areas as may be determined by the Board of Directors, the insurance contract shall not cover loss in yield of lint cotton (and cottonseed production, if insured) due to flood. Where insurance is written on an irrigated basis, the insurance contract shall also cover loss in yield due to failure of the water supply from natural causes that could not be prevented by the insured, lowering of the water level in pump wells adequate at the beginning of the growing season to the extent that either deepening the well or drilling a new well would be necessary to obtain an adequate supply of water, failure of public power used for pumping or failure of an irrigation district or water company to deliver water where such failure is not within the control of the insured, or the collapse of casing in wells where such collapse could not have been foreseen and prevented by the insured.

§ 419.10 *Causes of loss not insured against.* The contract shall not cover damage to quality in any case, or loss in yield caused by the neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper, or wage hand, nor shall it cover losses caused by theft, domestic animals, use of defective or unadapted seed, or planting on land of poorer average quality for the production of cotton than the average quality of the land considered in establishing the average yield and premium rate for the insurance unit or part thereof, or planting cotton on a portion of the insurance unit where the average productivity or farming hazards differ materially from the average productivity or farming hazards for the acreage considered in establishing the average yield and premium rate for such unit or part thereof, or failure properly to prepare the land for planting, or properly to plant, care for, or harvest the insured crop, including any loss due to breakdown of machinery or equipment (except as provided in § 419.9 above), failure to follow established good farming practices, or by following different fertilizer or farming practices than those considered in establishing the average yield and premium rate, or by failure to replant the cotton in areas and under cir-

circumstances where the Corporation determines it is practicable to replant. In addition, where insurance is written on an irrigated basis, the contract shall not cover losses caused by failure properly to apply irrigation water to cotton in proportion to the amount of water available for all irrigated crops, failure of irrigation equipment due to mechanical defects (except as provided in § 419.9 above), failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells when such adjustment can be made without deepening the well, or any other such loss not due entirely to unavoidable causes. The contract shall also not cover loss in yield caused by planting a variety of cotton which differs materially in yield from the variety considered in establishing the average yield, or planting cotton under conditions of immediate hazard, or planting another crop in the growing cotton crop. Likewise, the contract shall not cover loss in yield caused by inability to obtain labor, fertilizer, machinery, repairs, or insect poisons.

#### PREMIUM FOR INSURANCE CONTRACT

##### § 419.11 Amount of annual premium.

(a) Each annual premium for lint cotton insurance for each insurance unit under the contract shall be the number of pounds of lint cotton determined by multiplying the insured acreage of cotton for the insurance unit by the premium rate and by the insured interest in the crop at the time of planting. If more than one premium rate has been established for the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for lint cotton insurance for the insurance unit. The annual premium for lint cotton insurance for the insurance contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the cotton crop on such acreage is planted. If the insurance contract covers loss of cottonseed production, the annual premium for lint cotton insurance shall be increased by 20 percent. The minimum annual premium payable by the insured with respect to any insurance contract shall be fifteen pounds of lint cotton.

(b) In any area designated by the Corporation, the insured's annual premium may be reduced in any year not to exceed 50 percent, if it is determined by the Corporation, from a comparison of the insured production with the accumulated balance of premiums paid over indemnities received (with appropriate adjustments for insurance of cottonseed production) on consecutively insured crops for the years during which insurance was available (beginning with the 1942 crop, but excluding the 1945 crop if no application for insurance was submitted), that the risk on cotton crops produced by the insured justifies such reduction: *Provided, however*, That the Corporation may determine that the premium rates for all insurance units in any

or all such areas shall be adjusted to compensate for such reductions. Failure to apply for insurance for any year, except 1945, shall render any person ineligible for the benefits of this paragraph on the basis of any accumulated balance of premiums previously paid, if insurance is offered in the county in which such person's farm is located and even though insurance may not be provided in the county during such year because of the limitation in § 419.1 (b) hereof: *Provided, however*, That failure to submit an application for insurance for any year will not render a person ineligible for the benefits of this paragraph, if (1) the failure to submit an application was due to service in the active military or naval service of the United States, or (2) the insured establishes to the satisfaction of the Corporation, prior to the applicable 1946 note maturity date, that failure to submit an application for any year prior to 1946 was due to the fact that cotton was not planted in that year. Nothing in this provision shall create in the insured any right to a reduced premium as a result of the total premiums he has paid exceeding the total indemnities he has received.

(c) The insured's annual premium may be reduced 10 percent in 1948 or in any subsequent year immediately following five cotton crops (beginning with the 1942 or any subsequent crop) covered by insurance (which must be consecutive crops if insurance was available, except as to the 1945 crop unless the 1945 crop was covered by insurance), which have been produced by him in the county without a loss for which an indemnity was paid: *Provided, however*, That this provision shall not apply when the premium is reduced pursuant to paragraph (b) of this section. Failure to apply for insurance for any year, except 1945, shall render a person ineligible for the benefits of this paragraph if insurance is offered in the county in which such person's farm is located and even though insurance may not be provided in the county during such year because of the limitation in § 419.1 (b) hereof: *Provided, however*, That failure to submit an application for insurance for any year will not render a person ineligible for the benefits of this paragraph, if (1) the failure to submit an application for insurance was due to service in the active military or naval service of the United States, or (2) the insured establishes to the satisfaction of the Corporation, prior to the applicable 1946 note maturity date, that failure to submit an application for any year prior to 1946 was due to the fact that cotton was not planted in that year.

§ 419.12 Manner of payment of premium. (a) By executing a form entitled, "Application for Cotton Crop Insurance," the applicant executes a premium note. This note represents a promise to pay to the Corporation annually, during the life of the insurance contract, on or before the applicable maturity date specified in § 419.45 hereof, the premium for all insurance units covered by the contract. Each annual premium or unpaid portion thereof shall bear interest after maturity at the rate of one-half of one percent

for each calendar month or fraction thereof, except that no interest shall be charged on any amount paid within two calendar months after maturity.

(b) Payment on any annual premium may be made in whole or in part before maturity either in lint cotton or cash, or both. After maturity, payment may be made only in cash. Payments in cash shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made. When a payment is made in cotton, it shall be by means of a negotiable warehouse receipt or other instrument acceptable to the Corporation representing salable cotton.

(c) In connection with any payment before maturity, there shall be credited on the premium the number of pounds of lint cotton computed by dividing the payment made (the proceeds of the sale of cotton if cotton is paid) by the cash equivalent price per pound for the date of payment. The amount of any annual premium due at maturity shall be the cash equivalent thereof based on the cash equivalent price per pound applicable for such maturity date.

(d) Any unpaid amount of any annual premium (either before or after the date of maturity) may be deducted from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. Where any such deduction is made before the date of maturity, the cash equivalent of the deduction will be based on the cash equivalent price used in computing the indemnity payment or the cash equivalent price determined by the Corporation to be in effect on the day the county committee approves such loan or other payment, whichever is applicable. Such price shall also be used in determining the number of pounds of lint cotton to be credited on the annual premium.

#### LOSS

§ 419.13 Notice of loss or damage of cotton crop. Unless otherwise provided by the Corporation, if a loss is probable, notice in writing shall be given the Corporation at the office of the county association immediately after any material damage to the insured crop and before the crop is harvested, removed, or any other use is made of it. Any such notice shall be given in time to allow the Corporation to make appropriate inspection.

§ 419.14 Released acreage. Any insured acreage on which the cotton crop has been destroyed or substantially destroyed may be released by the Corporation to be put to another use. The cotton crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the farm is located and on

whose farms similar damage occurred would not further care for the crop or harvest any portion thereof.

Before any acreage is released, it shall be inspected and an appraisal made of the yield that would be realized if the crop on such acreage remained for harvest. Any such appraisal shall be subject to the minimum set forth in § 419.17 (a) hereof. No insured acreage planted to cotton shall be considered as put to another use as long as any cotton on such acreage remains for harvest.

On any acreage where the cotton has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

§ 419.15 *Time of loss.* Loss, if any, shall be deemed to have occurred at the completion of weighing in of the insured crop at the gin, or disposal of the harvested crop, or March 31 of each year for Arizona, California, and New Mexico, or January 31 of each year for all other states (unless such time is extended by the Corporation), whichever occurs first, unless the Corporation determines that the cotton crop was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date so determined by the Corporation.

§ 419.16 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled, "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time is extended in writing by the Corporation. It shall be a condition precedent to any liability under the insurance contract that the insured establish that any loss for which claim is made has been directly caused by one or more of the hazards insured against by the insurance contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the insurance contract.

§ 419.17 *Amount of loss.* (a) The amount of loss for which an indemnity will be payable with respect to any insurance unit will be the amount of the insured production under the contract for such insurance unit, less (i) the product of the insured interest and the total lint cotton production for such unit, and less (ii) the estimated savings in harvesting costs, which shall be 25 per cent of the amount of loss determined by the Corporation for any acreage not covered by subparagraphs (2) and (3) below, except that such deduction shall not be made for any insured loss which results from the cotton being destroyed after harvest but before it is ginned or sold: *Provided, however,* That, if the planted acreage on the insurance unit exceeds the insured acreage on such unit, as de-

termined by the Corporation, the loss for which an indemnity will be payable shall be computed by apportioning the production on the planted acreage to determine the production applicable to the insured acreage: *Provided, further,* That, if separate yields and rates are established for parts of the insurance unit or if the insured has different shares in parts of the cotton on the insurance unit, such apportionment may, if the Corporation so elects, be made on the basis of the ratio of the premium computed for the reported acreage to the premium computed for the planted acreage. Such total lint cotton production shall include:

(1) Cotton produced on any acreage which was harvested and not subsequently destroyed before being ginned or sold;

(2) The appraised production for any acreage which is released by the Corporation because of damage occurring after it is too late to replant to cotton, as determined by the Corporation, but before the first cultivation, or 60 percent of the product of (i) such acreage, (ii) the average yield, and (iii) the insured percentage, whichever is the larger;

(3) The appraised production for any acreage which is released by the Corporation because of damage occurring after the first cultivation but before the beginning of harvest, or 25 percent of the product of (i) such acreage, (ii) the average yield, and (iii) the insured percentage, whichever is the larger;

(4) The appraised production of unharvested cotton, except the production covered in subparagraphs (2) and (3) above;

(5) The appraised production for any portion of the insured cotton acreage that is put to another use without the consent of the Corporation, or the product of (i) such acreage, (ii) the average yield, and (iii) the insured percentage, whichever is the larger;

(6) The appraised number of pounds by which production on any acreage has been reduced solely because of any cause not insured against, which number of pounds shall not be less than the product of (i) such acreage, (ii) the average yield, and (iii) the insured percentage, minus any quantity of cotton harvested from such acreage and any quantity of cotton not harvested from such acreage and remaining in the field; and

(7) The appraised number of pounds by which production on any acreage has been reduced because of any cause not insured against, where damage on such acreage has resulted from a cause insured against and cause not insured against.

If the insurance contract covers loss of cottonseed production, the amount of loss determined as set forth above for each insurance unit covered by the contract shall be increased 20 percent.

(b) Where the insured fails to establish and maintain separate records of acreage or production for the component parts of a combination of two or more insurance units or portions thereof, the insurance with respect to such units un-

der the contract may be voided by the Corporation for the year in question and the premium forfeited by the insured: *Provided, however,* That if all the component parts of the combination are insured, the total of the insured production for the component parts shall be considered as the insured production for the combination, and any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records of acreage or production for non-insurable acreage and for one or more insurance units or portions thereof, any production from the non-insurable acreage which is commingled with the production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation for the year in question and the premium forfeited by the insured.

#### PAYMENT OF INDEMNITY

§ 419.18 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the insurance contract shall be payable within thirty days after satisfactory proof of loss is approved by the Corporation. However, if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

§ 419.19 *Indemnity payment.* (a) Any indemnity due under the insurance contract will be paid by the issuance of a certificate of indemnity which shall bear an expiration date. Settlement under such certificate will be made in cash or cotton in accordance with this part. Such certificate may also be used to obtain a loan from the Commodity Credit Corporation, if loans on certificates of indemnity are available.

(b) In case of a cash settlement under a certificate of indemnity, the cash equivalent of the indemnity shall be the number of pounds of cotton specified in the certificate of indemnity multiplied by the cash equivalent price per pound for the day the certificate of indemnity or other request of the insured for cash settlement or for determining the cash equivalent is received in the branch office of the Corporation, or the expiration date of the certificate, whichever occurs first. A cash settlement under a certificate of indemnity made more than 14 days after the issuance of the certificate shall be subject to a deduction for a reasonable charge for storage and handling and the schedule of such charges shall be shown on the certificate of indemnity.

(c) Any indemnity payable under an insurance contract shall be paid to, and settlement under the certificate of indemnity made with, the insured, his beneficiary, or such other person as may be entitled to the benefits of the insurance contract under the provisions of the regulations in this part, notwithstanding any attachment, garnishment, receiver-



ship, trustee, process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity or the proceeds thereof nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid, to any person other than the insured, his beneficiary (designated by the insured on the application for cotton crop insurance) or other person entitled to the benefits of the insurance contract, any indemnity payable, or any amount due in settlement of any certificate of indemnity in accordance with the provisions of the insurance contract. Nothing herein contained shall excuse any person entitled to the benefits of the insurance contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 419.20 *Adjustment in connection with indemnity payment.* Where an adjustment is made in the amount of an indemnity, settlement for such adjustment may be made on the basis of a cash equivalent price per pound other than that originally used in making settlement of the indemnity.

§ 419.21 *Other insurance.* If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the insurance contract on the crop or portion thereof covered in whole or in part by such insurance contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer. In any case where an indemnity is paid to the insured by another Government agency because of damage to the cotton crop, the Corporation reserves the right to determine its liability under the insurance contract taking into consideration the amount paid by such other agency.

§ 419.22 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 419.23 *Creditors.* An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not be

considered an interest in an insured crop within the meaning of this part.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 419.24 *Indemnities subject to all provisions of insurance contract.* Indemnities payable to any person shall be subject to all provisions of the insurance contract, including the right of the Corporation to deduct from any such indemnity the unpaid amount of any earned annual premium or any other obligation of the insured to the Corporation: *Provided, however,* That in case of a transfer of an interest in an insured crop, such deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium due on the insurance unit or units involved in the transfer for the crop year in which the transfer is made, plus the unpaid amount of any other obligation of the transferee to the Corporation. Any indemnity payable to any person other than the original insured as a result of a transfer, or otherwise, shall be subject to any collateral assignment of the insurance contract by the original insured.

§ 419.25 *Collateral assignment of right under insurance contract.* The right to an indemnity under an insurance contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form entitled, "Collateral Assignment," and, upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the insurance contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (a) payment of any indemnity will be subject to all conditions and provisions of the insurance contract and to any deductions authorized under § 419.24 hereof, and (b) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the insurance contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor. The Corporation shall in no case be bound to accept notice of any assignment of the insurance contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the insurance contract, but if an assignment is released, a new assignment of the right to an indemnity under the insurance contract may be made.

§ 419.26 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in a cotton crop before the beginning of harvest or the time of loss, whichever occurs first, the trans-

feror shall immediately notify the Corporation thereof in writing at the office of the county association. The transferee under such a transfer shall be entitled to the benefits of the insurance contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 419.25 hereof: *Provided, however,* That an involuntary transfer of an insured interest in a cotton crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other processes shall not entitle any holder of any such interest to any benefits under the insurance contract: *Provided, further,* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place: *Provided, further,* That the insurance contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the insurance contract.

§ 419.27 *Death, incompetence, or disappearance of insured.* (a) If no beneficiary has been designated by the insured (or if designated, is ineligible or unavailable) and if the insured dies, is judicially declared incompetent, or disappears after the planting of the cotton crop in any year, but before the time of loss or the time harvest is commenced, whichever occurs first, and his insured interest in a cotton crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified, the indemnity shall be paid to the persons beneficially entitled to share in the insured's interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That, if the indemnity represents a number of pounds of cotton, the cash equivalent of which exceeds \$500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If no beneficiary has been designated by the insured (or if designated, is ineligible or unavailable) and if the insured dies, is judicially declared incompetent, or disappears after the planting of the cotton crop in any year, but before the time of loss or the time harvest is commenced, whichever occurs first, and his interest in the crop is not a part of his estate at such time, the indemnity,

if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 419.26 hereof.

(c) If a beneficiary has been named by the insured and if the insured dies, is judicially declared incompetent, or disappears, payment of any indemnity to which the insured is entitled will be made to such beneficiary if eligible and available.

(d) If an applicant for insurance or the insured, as the case may be, dies, is judicially declared incompetent, or disappears less than fifteen days before the applicable calendar closing date for the filing of applications for insurance in any year, but before the cotton crop intended to be covered by insurance is planted, whoever succeeds him on the farm with the right to plant the cotton crop as his heir or heirs, administrator, executor, guardian, committee, or conservator shall be substituted for the original applicant or the insured upon filing with the office of the county association, within fifteen days (unless such period is extended by the Corporation) after the date of such death, judicial declaration, or termination of the period which establishes disappearance the meaning of the regulations in this part, or before the date of the beginning of planting, whichever is earlier, a statement in writing, in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant or the insured arising out of such application or the insurance contract: *Provided, however*, That any substitution made pursuant to this paragraph shall be effective only with respect to the cotton crop to be planted in the ensuing crop year, and the insurance contract shall terminate at the end of such year. If no such statement is filed, as required by this paragraph, the original application or insurance contract shall be void.

(e) Subject to the provisions of paragraph (d) of this section, the insurance contract shall terminate upon the death, judicial declaration of incompetence, or disappearance, of the insured, except that, if such death, judicial declaration of incompetence, or disappearance occurs after the planting of the cotton crop in any year but before the end of the insurance period for such year, the insurance contract shall terminate at the end of such insurance period.

(f) The insured shall be deemed to have disappeared within the meaning of this part if he fails to file with the county committee written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the last known address of the insured.

§ 419.28 *Fiduciaries*. Any indemnity payable under an insurance contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity and settlement under the certificate of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corpora-

tion of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to, and settlement under the certificate of indemnity shall be made with, the persons beneficially entitled under this part to the insured interest in the crop, to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however*, That the settlement may be made with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 419.29 *Determination of person to whom indemnity shall be paid*. In any case where the insured has transferred his interest in all or a portion of the cotton crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared and has not designated a beneficiary or, if designated, such beneficiary is deceased or is otherwise unavailable or ineligible, payment in accordance with the provisions of this part will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

#### REFUNDS OF EXCESS NOTE PAYMENTS

§ 419.30 *Refunds of excess note payments*. Before termination of the insurance contract, the Corporation shall not be required to make a refund of any excess payment made on any annual premium, and any such excess payment may be credited on future premiums. However, the Corporation may elect to make such refund at any time before the termination of the insurance contract. If a refund is to be made of any excess payment received before the maturity date of any annual premium, the cash equivalent of such refund shall be determined on the basis of the number of pounds of cotton to be refunded and the cash equivalent price for the appropriate grade and staple of such lint cotton effective for the date such payment was submitted to the Corporation. If more than one payment is made on any annual premium, the payments shall be applied in the order of submittal to the Corporation. In computing the amount of any refund, the payments shall be considered in their inverse order and each such payment or portion thereof shall be regarded as a separate payment in determining the cash equivalent of the refund. Refunds of excess payments received after the maturity of any annual premium shall be refunded in the actual amount of money paid to the Corporation in ex-

cess of that determined to be necessary to pay such premium.

There shall be no refund of an amount less than \$1.00, with respect to payments made either before or after the maturity of any annual premium, unless written request for such refund is received by the Corporation within one year after the termination of the contract.

§ 419.31 *Assignment or transfer of claims for refunds not permitted*. No claim for a refund, or any part or share thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the insurance contract or any transfer of interest in any cotton crop covered by the insurance contract. Refund of any excess note payment will be made only to the person who made such payment, except as provided in § 419.32 hereof.

§ 419.32 *Refund in case of death, incompetence, or disappearance*. In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 419.27 hereof with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

#### ESTABLISHMENT OF AVERAGE YIELDS AND PREMIUM RATES

§ 419.33 *Determination of farm average yields of lint cotton per acre*. The Corporation shall establish average yields of lint cotton for farms on the basis of the recorded or appraised yields for a representative period of years and shall, where necessary, adjust such yields so that the average yields for farms in the same area which are subject to the same conditions shall be fair and just. Average yields so established may be revised from time to time as the Corporation may elect.

§ 419.34 *Determination of premium rates*. The Corporation shall establish premium rates for all farms for which average yields are established and such rates shall be those deemed adequate to cover claims for cotton crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established may be revised from time to time as the Corporation may elect.

§ 419.35 *Average yields and premium rates where farm varies widely in productivity or farming hazards or where tracts of the farm are widely separated*. If the land comprising any farm consists of tracts varying widely in productivity, topography, or farming hazards, or if tracts of the farm are widely separated, separate average yields and premium rates may be established by the Corporation for such tracts on the basis of appraisal, taking into consideration the yield data available.

§ 419.36 *Average yields and premium rates for special farming practices*. In areas where farming practices are followed which are determined by the Corporation to be special practices, yields and premium rates may be established for each special practice for the county or administrative area and for individual

insurance units. The yield(s) and premium rate(s) thus established for the insurance unit(s) and shall apply to the acreage of cotton planted on the insurance unit(s) in accordance with the special farming practices on the insurance unit(s).

#### GENERAL

§ 419.37 *Meaning of terms.* For the purpose of the Cotton-Crop Insurance Program, the term:

(a) "Average yield" means the average yield of lint cotton per acre established by the Corporation for each insurance unit or portion thereof.

(b) "Cash equivalent price per pound" means the net price per pound of cotton established by the Corporation, for the area in which the insurance unit is located, on the basis of the price of cotton at the applicable spot market designated by the Corporation for the area, with differentials for the location of the area in which the insurance unit is situated.

(c) "Corporation" means the Federal Crop Insurance Corporation.

(d) "Cotton crop" means only American Upland cotton and does not include cotton planted primarily for experimental purposes.

(e) "County" means the area commonly designated as such, and includes a parish in Louisiana.

(f) "County association" means the County Agricultural Conservation Association in the county.

(g) "County committee" means the County Agricultural Conservation Committee for the county.

(h) "Crop insurance listing sheet" means the form prescribed by the Corporation for the purpose of maintaining a record of insurance units, yields and rates, and any other related information with respect to such insurance units. Yields and rates and any other related information with respect to insurance units listed on the crop insurance listing sheet may be revised from time to time as the Corporation may elect. The crop insurance listing sheet is on file in the office of the county association and is available for inspection by any producer whose farm is listed thereon.

(i) "Crop year" means the period beginning with the day following the applicable closing date for the filing of applications for insurance for any year and within which the cotton crop is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is planted.

(j) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also: (1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops: *Provided, however,* That for the purpose of determining the

minimum participation for a crop insurance program in any county the term "farm" means that acreage of land which constitutes an insurance unit, except that where a landlord and all of his tenants or sharecroppers file applications for insurance or have insurance and all of the landlord's cotton acreage is worked by tenants or sharecroppers, the number of farms to be counted shall be one less than the number of insurance units.

A farm shall be regarded as located in the county for crop insurance purposes if it is listed on the crop insurance listing sheet for such county. Ordinarily, a farm will be listed on the crop insurance listing sheet for the county in which the principal dwelling is situated, or, if there is no dwelling thereon, for the county in which the major portion of the farm is located.

(k) "Insurance contract" means the contract of insurance entered into between the applicant and the Corporation by virtue of the application for insurance and this part and any amendments thereto.

(l) "Insurance unit" means all or that portion, as the case may be, of the farm (considered for the purpose of establishing the average yield(s) and premium rate(s) in which the insured has an interest as a cotton producer at the time of planting, except that (1) when a part of such land is regularly irrigated and a part is never irrigated, the portion of the land on the farm which is to be irrigated in the current crop year (as shown on the acreage report of the insured) shall constitute one insurance unit and the remainder shall constitute another insurance unit, and (2) when separate yields and rates have been established for widely separated parts of such land, such portions of the land shall constitute separate insurance units: *Provided, however,* That all or any part of such land which is designated on the crop insurance listing sheet in the office of the county association as "non-insurable," because of the insurance risk involved, shall not constitute an insurance unit or any part thereof and shall not be considered in any manner whatsoever under the insurance contract, except as provided in § 419.17 (b) hereof.

(m) "Insured interest" means either the insured's reported interest in the crop at the time of planting, or the interest which the Corporation determines as the insured's actual interest at the time of planting, whichever the Corporation shall elect, except that for the purpose of determining loss, the insured interest shall not exceed the insured's actual interest at the time of loss, or the beginning of harvest, whichever occurs first.

(n) "Insured percentage" means the percentage of the average yield of lint cotton per acre for the insurance unit covered by an insurance contract, and shall be either 50 or 75 percent.

(o) "Local producing area" means any area, approved by the Corporation for the purposes of § 419.1 (b) hereof.

(p) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(q) "Premium rate" means the premium rate per acre established by the Corporation for insurance on lint cotton.

(r) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the cotton crop thereon or of the proceeds therefrom.

(s) "State committee" means the State Agricultural Conservation Committee for the State.

(t) "State Director" means the representative of the Corporation in the operation of the crop insurance program in the State.

(u) "Tenant" means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the crop or proceeds therefrom), and is entitled under a written or oral lease or agreement to receive all or a share of the crop or proceeds therefrom produced on such land.

§ 419.38 *Restriction on purchase and sale of cotton by the Corporation.* The restriction on the purchase and sale of cotton, as provided in section 508 (d) of the Federal Crop Insurance Act, as amended, reads in part as follows:

Insofar as practicable, the Corporation shall purchase the agricultural commodity only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly the agricultural commodity sold to prevent deterioration; and shall sell the agricultural commodity only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however,* That nothing in this section shall prevent prompt offset purchases and sales of the agricultural commodity for convenience in handling. Nothing in this section shall prevent the Corporation from accepting, for the payment of premiums, notes payable in the commodity insured, or the cash equivalent, upon such security as may be determined pursuant to subsection (b) of this section, and from purchasing the quantity of the commodity represented by any of such notes not paid at maturity.

§ 419.39 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the insurance contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, ginning, storage, shipment, sale, or other disposition, of all cotton produced on each insurance unit covered by the insurance contract. Such records shall be made available for examination by the Corporation, and as often as may reasonably be required, any person or persons designated by the Corporation shall have access to the farm. (See § 419.17 (b) hereof.)

§ 419.40 *Review of determinations of State and county committees.* Any determination by a State or county committee shall be subject to review and approval or revision by duly authorized representatives of the Corporation.

§ 419.41 *Applicant's warranties; voidance for fraud.* In applying for insurance the applicant warrants that the information, data, and representations submitted by him in connection with the insurance contract are true and correct,

and are made by him, or by his authority, and shall be taken as his act. The insurance contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the insurance contract, the subject thereof, or his interest in the cotton crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the cotton crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

**§ 419.42 Modification of insurance contract.** No notice to any county committee or representative of the Corporation or knowledge possessed by any such county committee or representative or by any other person shall be held to effect a waiver of or change in any part of the insurance contract or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the insurance contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

**§ 419.43 Rounding of fractional units.** Fractions of yields per acre, premium rates, annual premiums, insured production, actual production, and appraised production, shall be rounded to the nearest pound. Fractions of acres representing total acres of cotton shall be rounded to the nearest tenth of an acre. Computations shall be carried to one digit beyond the digit that is to be rounded. If the extra digit computed is 1, 2, 3, or 4, the rounding shall be downward. If the extra digit computed is 5, 6, 7, 8, or 9, the rounding shall be upward. If the extra digit computed is 5, the computation shall be carried to another digit. If the two extra digits are 50, the rounding shall be downward, and if the two extra digits are 51 or any higher figure, the rounding shall be upward.

**§ 419.44 Closing dates for submission of applications.** The closing date for any year for the submission of applications to the office of the county association shall be the date of the beginning of planting of the cotton crop on any insurance unit covered by the application, or the following applicable date, whichever is earlier:

**Alabama**—April 10 for the counties of Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, DeKalb, Etowah, Fayette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Law-

rence, Limestone, Madison, Marion, Marshall, Morgan, Pickens, Randolph, Saint Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston. March 25 for all other counties.

**Arizona**—March 25 for all counties.

**Arkansas**—April 10 for all counties.

**California**—March 25 for all counties.

**Florida**—March 25 for all counties.

**Georgia**—April 10 for the counties of Baldwin, Banks, Barrow, Bartow, Butts, Carroll, Catoosa, Chattooga, Cherokee, Clarke, Clayton, Cobb, Columbia, Coweta, Dade, Dawson, DeKalb, Douglas, Elbert, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Gordon, Greene, Gwinnett, Habersham, Hall, Hancock, Haralson, Hart, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lincoln, Lumpkin, McDuffie, Madison, Meriwether, Monroe, Morgan, Murray, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pike, Polk, Putnam, Rabun, Richmond, Rockdale, Spalding, Stephens, Taliaferro, Towns, Troup, Union, Walker, Walton, Warren, White, Whitfield, and Wilkes. March 25 for all other counties.

**Illinois**—April 10 for all counties.

**Kansas**—April 25 for all counties.

**Kentucky**—April 10 for all counties.

**Louisiana**—March 25 for all counties.

**Mississippi**—April 10 for the counties of Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Laflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, and Yalobusha. March 25 for all other counties.

**Missouri**—April 10 for all counties.

**New Mexico**—April 25 for the counties of Curry, Harding, Lea, Quay, and Roosevelt. March 25 for all other counties.

**North Carolina**—April 10 for all counties.

**Oklahoma**—April 10 for the counties of Adair, Atoka, Bryan, Choctaw, Coal, Haskell, Hughes, Johnston, Latimer, Le Flore, McCurtain, McIntosh, Marshall, Pittsburg, Pontotoc, Pushmataha, Seminole, and Sequoyah. April 25 for all other counties.

**South Carolina**—March 25 for the counties of Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, and Jasper. April 10 for all other counties.

**Tennessee**—April 10 for all counties.

**Texas**—February 15 for the counties of Cameron, Hidalgo, Starr, and Willacy.

March 10 for the counties of Aransas, Austin, Bee, Brazoria, Brooks, Calhoun, Chambers, Colorado, De Witt, Duval, Fort Bend, Galveston, Goliad, Hardin, Harris, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kennedy, Kleberg, Lavaca, Liberty, Live Oak, Matagorda, Nueces, Orange, Refugio, San Patricio, Victoria, Waller, Washington, Wharton, Willson, and Zapata.

March 25 for the counties of Anderson, Angelina, Atascosa, Bastrop, Bell, Bexar, Blanco, Brazos, Brewster, Burleson, Burnet, Caldwell, Comal, Concho, Coryell, Dimmit, El Paso, Falls, Fayette, Freestone, Frio, Gillespie, Gonzales, Grimes, Guadalupe, Hays, Houston, Hudspeth, Irion, Jasper, Kendall, Kerr, Kimble, Lampasas, La Salle, Lee, Leon, Limestone, Loving, Madison, Maverick, McLennan, McMullen, Medina, Menard, Milam, Montgomery, Newton, Pecos, Polk, Presidio, Reeves, Robertson, Sabine, San Augustine, San Jacinto, Schleicher, Tom Green, Travis, Trinity, Tyler, Uvalde, Walker, Ward, Webb, Williamson, Winkler, and Zavala.

April 10 for the counties of Andrews, Borden, Bosque, Bowie, Brown, Callahan, Camp, Cass, Cherokee, Coke, Coleman, Collin, Comanche, Crane, Dallas, Dawson, Delta, Eastland, Ector, Ellis, Erath, Fannin, Fisher, Franklin, Gaines, Glascock, Grayson, Gregg, Hamilton, Harrison, Henderson, Hill, Hood,

Hopkins, Howard, Hunt, Johnson, Jones, Kaufman, Lamar, Llano, Marion, Martin, Mason, McCulloch, Midland, Mills, Mitchell, Morris, Nacogdoches, Navarro, Nolan, Palo Pinto, Panola, Parker, Rains, Red River, Rockwall, Runnels, Rusk, San Saba, Scurry, Shackelford, Shelby, Smith, Somervell, Stephens, Sterling, Tarrant, Taylor, Titus, Upshur, Van Zandt, and Wood.

April 25 for the counties of Archer, Armstrong, Bailey, Baylor, Briccoe, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Cooke, Cottle, Crosby, Deaf Smith, Denton, Dickens, Donley, Floyd, Foard, Garza, Gray, Hale, Hall, Hardeman, Haskell, Hemphill, Hockley, Jack, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Montague, Motley, Farmer, Randall, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Wise, Yoakum, and Young.

**Virginia**—April 10 for all counties.

**§ 419.45 Maturity dates for annual premiums.** The maturity dates for the cotton crop insurance annual premiums shall be as follows: (a) June 30 for all counties with a closing date of February 15; (b) July 31 for all counties with closing dates of either March 10 or March 25, except the counties in the States of Arizona, California, and New Mexico; (c) August 31 for all counties with closing dates of either April 10 or April 25, and all the counties in Arizona, California, and New Mexico.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on October 2, 1945.

[SEAL]

E. R. DUKE,  
Chairman.

Approved: November 20, 1945.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 45-21131; Filed, Nov. 21, 1945;  
11:05 a. m.]

## TITLE 12—BANKS AND BANKING

### Chapter II—Board of Governors of the Federal Reserve System

#### PART 222—CONSUMER CREDIT

##### MISCELLANEOUS AMENDMENTS

Part 222 is hereby amended in the following respects, effective December 1, 1945:

1. Section 222.8 entitled "*Exceptions*" is amended by adding thereto a new paragraph reading as follows:

(p) *Demonstrators.* Any extension of credit which is to be repaid within not more than 12 months and is made to a bona fide salesman of automobiles in order to finance the purchase of a new automobile to be used by him principally as a demonstrator.

2. Section 222.10 entitled "*Renewals, revisions, and additions of instalment credit*" is amended in two respects, as follows:

(a) By adding the following sentence to footnote 7 attached to § 222.10 (a): "Whenever the regulation is amended to



increase the maximum maturity for any class of transactions, the terms of repayment 'permitted in the first instance' in so far as they relate to the maximum maturity for such class of transactions shall be deemed to be the terms applicable under the provisions of the amendment."

(b) By adding at the end of option 2 of § 222.10 (b), after the words "12 months", a comma and the following: "or within 18 months in case the consolidated obligation is an instalment loan and no part of the proceeds of the additional credit is to be used to purchase any listed article having a cash price of \$15.00 or more."

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 43 Stat. 1, sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U.S.C. 95 (a) and Supp., 50 U.S.C. App. 616, 617, and E.O. No. 8843, dated August 9, 1941)

[SEAL] BOARD OF GOVERNORS OF  
THE FEDERAL RESERVE  
SYSTEM  
S. R. CARPENTER,  
Secretary.

[F. R. Doc. 45-21191; Filed, Nov. 23, 1945;  
10:16 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority  
(Including Commodity Exchange  
Commission) Department of Agriculture

[Hearing Docket CE-P 5]

### PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

#### LIMITS ON POSITION AND DAILY TRADING IN RYE FOR FUTURE DELIVERY

*Findings of fact.* Pursuant to the provisions of section 4a of the Commodity Exchange Act (7 U.S.C. 6a), the Commodity Exchange Commission, after investigation and full consideration of the record made at a public hearing held in Chicago, Illinois, beginning August 15, 1945, of which due public notice has been given and at which all persons were given opportunity to hear, present, refute, and comment on evidence in the premises, does hereby find:

(a) Trading in rye for future delivery on or subject to the rules of a contract market by a person who holds or controls a speculative net position of more than 500,000 bushels, long or short, in any one future or in all futures combined in rye, on or subject to the rules of such contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of rye not warranted by changes in the conditions of supply or demand.

(b) Speculative buying or selling by a person during one business day of more than 500,000 bushels in any one future or in all futures combined in rye, on or subject to the rules of a contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of

rye not warranted by changes in the conditions of supply or demand.

*Conclusions.* Upon the foregoing facts, it is concluded that in order to prevent excessive speculation in rye futures which will cause sudden, unreasonable, or unwarranted fluctuations or changes in price resulting in an undue and unnecessary burden on interstate commerce in rye, it is necessary to establish limits on the amount of speculative trading under contracts of sale of rye for future delivery on or subject to the rules of contract markets which may be done by any person; that 500,000 bushels is a reasonable limit on the net long or net short speculative position which any person may hold or control, and upon the daily speculative purchases or sales which any person may make, in any one future or in all futures combined in rye on or subject to the rules of any contract market.

§ 150.3 *Limits on position and daily trading in rye for future delivery.* That the following limits on the amount of trading under contracts of sale of rye for future delivery on or subject to the rules of any contract market, which may be done by any person, be, and they are hereby, proclaimed and fixed, to be in full force and effect on and after December 3, 1945:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in rye on or subject to the rules of any one contract market is 500,000 bushels in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of rye which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 500,000 bushels in any one future or in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in paragraph (3) of section 4a of the Commodity Exchange Act (7 U.S.C. 6a (3)).

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained herein shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under paragraph (d) of section 5 of the Commodity Exchange Act (7 U.S.C. 7 (d)) to prevent manipulation and corners.

(e) *Definition.* As used herein, the word "person" includes individuals, associations, partnerships, corporations, and trusts.

*Amendment of order of December 22, 1938.* The definitions of "grain" contained in the order of the Commodity Exchange Commission, promulgated December 22, 1938 (17 CFR Cum. Supp., 150.1 (e)), is amended, effective

December 3, 1945, by striking "rye," therefrom.

(49 Stat. 1492; 7 U.S.C. 6a)

Issued this 23d day of November 1945.

[SEAL] COMMODITY EXCHANGE  
COMMISSION,  
J. B. HUTSON,  
Acting Secretary of Agriculture,  
Chairman.  
H. A. WALLACE,  
Secretary of Commerce.  
TOM C. CLARK,  
Attorney General.

[F. R. Doc. 45-21193; Filed, Nov. 23, 1945;  
11:15 a. m.]

## TITLE 25—INDIANS

Chapter I—Office of Indian Affairs,  
Department of the Interior

### Appendix

#### EXTENSION OF THE TRUST OR RESTRICTED STATUS OF CERTAIN INDIAN LAND

CROSS REFERENCE: For extension of periods of trust or other restrictions against alienation contained in any patent applying to Indian lands see Executive Order 9659, *supra*.

## TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration  
for War

### PART 602—GENERAL ORDERS AND DIRECTIVES

#### DIRECTION TO ALL SHIPPERS AND INDUSTRIAL CONSUMERS OF COAL PRODUCED IN DISTRICTS 10 AND 11

To effectuate a fair distribution of the available production of coal produced during the month of December 1945 in Districts 10 and 11, it is necessary, pursuant to SFAW Regulation No. 1, as amended, to issue the following direction:

(1) All shippers of coal produced in Districts 10 or 11 are prohibited from shipping during the month of December 1945 to any industrial consumers subject to the provisions of SFAW Regulation No. 27 more coal than such industrial consumer is permitted to receive under the provisions of paragraph (2) below.

(2) Notwithstanding the provisions of § 602.715 (d) of SFAW Regulation No. 27, as amended, an industrial consumer of coal whose days' supply exceeds 60 days is prohibited from receiving during the month of December 1945, coal produced in District 11 in an amount greater than 100 per cent of his consumption requirements for such month, without first obtaining permission from the SFAW Area Distribution Manager for that district; an industrial consumer whose days' supply exceeds 30 days is prohibited from receiving during the month of December 1945 coal produced in District 10 in an amount greater than 100 per cent of his consumption requirements for such month, without first obtaining permission from the SFAW Area Distribution Manager for that district. An industrial consumer receiving coal from Districts 10 and 11 is prohibited from receiving more coal in the ag-



gregate during the month of December 1945, than he is permitted to receive from District 11 and he is further prohibited from receiving from District 10 more coal than he would be permitted to receive if he purchased coal only from that district.

(3) No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of this direction.

This direction shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 21st day of November 1945.

C. J. POTTER,  
Deputy Solid Fuels  
Administrator for War.

[F. R. Doc. 45-21221; Filed, Nov. 23, 1945;  
11:47 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—Civilian Production Administration

**AUTHORITY:** Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 5]

#### SPECIAL PROVISIONS FOR THE ASSIGNMENT OF CC RATINGS IN ORDER TO INCREASE THE PRODUCTION OF LUMBER

The following direction is issued pursuant to PR 28:

(a) The supply of lumber is substantially less than present and anticipated requirements; and this shortage is so serious as to threaten the required expansion in construction. This shortage is, therefore, a serious threat to the economy of the country during the reconversion period. Consequently, the Civilian Production Administration will assign CC ratings as provided in paragraph (d) (1) (iii) of Priorities Regulation 28 in accordance with the conditions of this direction, where necessary to maintain or expand the production of lumber.

(b) *Lumber and log producers*—(1) *Capital equipment.* CC ratings may be assigned to lumber producers and log producers for capital equipment other than "special equipment" where the producer is unable to obtain delivery without a rating, and

(i) The equipment will result in a substantial increase in production, or

(ii) The equipment is needed to replace present operating equipment which is in danger of imminent breakdown.

CC ratings may be assigned to the delivery of "special equipment" only for replacement in case of an irreparable breakdown and resultant loss in production or where it is determined that a rating is necessary to expedite delivery of such special equipment in preference to delivery of other equipment for less important purposes.

(2) *Construction.* CC ratings may be assigned for materials which cannot be ob-

tained without ratings and where required for construction of new plants and expansion of existing plants. However, CC ratings will not be assigned for construction in areas where other lumber or log producing facilities are curtailed due to lack of labor or lack of timber and logs, unless the applicant can demonstrate that he will operate the new facility without increasing his demand for manpower, timber and logs. In other cases CC ratings will be assigned for construction materials only under the conditions of Priorities Regulation 28.

(3) *Maintenance, repair and operating supplies.* CC ratings may be assigned for maintenance, repair and operating supplies needed by lumber producers or log producers where the producer demonstrates that he is unable to obtain the item without priorities assistance.

(c) *Definitions.* (1) "Special equipment" means equipment which is produced only for use in logging or saw mill operations.

(2) "Lumber producer" means the operator of any plant, stationary or portable, which produces lumber not further manufactured than by sawing, resawing, passing lengthwise through a standard planing machine, cross-cutting to length and working. The term does not include any establishment known in the trade as a "distribution yard", engaged in either retail or wholesale business, even though it may process lumber for the servicing of special orders from customers.

(3) "Log producer" means any person engaged in the felling or bucking of trees or the transportation of the yield from the felled trees from the woods to the points at which such output is delivered for manufacture or shipment.

(d) *Dentials of CC ratings.* The CC rating will be denied where it appears that the item for which a CC rating is requested is available, but under different terms of sale or from a supplier other than the applicant's customary supplier.

(e) *PR 28 still applies.* In any case not covered by the above, CC ratings will be assigned only as provided in Priorities Regulation 28.

Issued this 20th day of November 1945.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-21110; Filed, Nov. 20, 1945;  
4:40 p. m.]

#### PART 1029—FARM MACHINERY

[Limitation Order L-257-c, Revocation of Direction 1]

#### PRODUCTION DIRECTIVE FOR HAMES

Direction 1 to Limitation Order L-257-c is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken under the direction. The manufacture and delivery of hames remain subject to all other applicable orders and regulations of the Civilian Production Administration.

Issued this 21st day of November 1945.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-21136; Filed, Nov. 21, 1945;  
4:05 p. m.]

## Chapter XI—Office of Price Administration

### PART 1351—FOOD AND FOOD PRODUCTS

[RMPE 275, Amdt. 2]

#### HONEY

A statement of the considerations involved in the issuance of this amendment, has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation 275 is amended in the following respects:

1. Section 2 is amended by adding new paragraphs (t), (u), (v) and (w) to read as follows:

(t) "Chunk (or bulk comb) honey" means comb honey surrounded by or immersed in liquid extracted honey in a ratio of 40% or more comb honey to 60% or less liquid extracted honey. (Any combination of less than 40% comb honey with extracted honey shall be considered extracted honey and priced accordingly.)

(u) "Comb honey" means honey contained in the capped cells of the comb as produced in either a thin wooden section or super frame or produced without the use of a frame or section, and sold without any honey extracted therefrom.

(v) "Cut comb honey" is comb honey cut from the super frame, and sold without any honey extracted therefrom.

(w) "Extracted honey" is honey which has been separated from the comb by centrifugal force, gravity, straining or other means.

2. Section 5 (a) (2) preceding the table, is amended to read as follows:

(2) Method 2; table prices for packaged honey. A seller's maximum price for any kind of domestic extracted honey, chunk (or bulk comb) honey or "Dyce process" honey, packed in any type of container, shall be the appropriate price listed for it in the table below, together with the following applicable additions:

(i) If the honey has been treated by the "Dyce process" by a person licensed to use such, the price for an item of "packaged honey" so treated shall be the price determined pursuant to this Method 2 for the same size package of honey not so treated, plus 3¢ per pound or the price determined under Method 1.

(ii) The maximum prices for packaged chunk (or bulk) comb honey comprised of 40% or more comb honey to 60% or less liquid extracted honey, shall be the price determined under Method 1, or the price determined pursuant to this Method 2 for the same size package of honey plus the following additions per pound:

For sales to any person other than household consumers:

Add 3¢ per pound for 1 pound and under;  
Add 2½¢ per pound for over 1 pound and under 5 pounds;

Add 2¢ per pound for 5 pounds and over.  
For sales to household consumers:

Add 6¢ per pound for 3 pounds and under;  
Add 4¢ per pound for sizes larger than 3 pounds.

10 F.R. 2969.

NOTE: Any combination of less than 40% comb honey with extracted honey shall be considered extracted honey and priced accordingly.

This amendment shall become effective November 28, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

Approved: November 13, 1945.

J. B. HUTSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-21223; Filed, Nov. 23, 1945;  
11:42 a. m.]

#### PART 1358—TOBACCOS

[MPR 260; Incl. Amdts. 1-15]

##### CIGARS, CIGAR CUTTINGS AND CLIPPINGS

This compilation of Maximum Price Regulation 260 includes Amendment 15, effective November 26, 1945, except that as it amends the undesignated paragraph following § 1358.102 (c) (5) it is effective as of September 24, 1945. The text amended by Amendment 15 is underscored.

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of cigars by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.<sup>2</sup> In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 260 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1,<sup>3</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 260 is hereby issued.

[Title of regulation amended by Am. 8, 9 F.R. 7060, effective 6-23-44]

##### Sec.

- 1358.101 Prohibition against sales of cigars above maximum prices.
- 1358.101a Prohibition against sales of cigar cuttings and clippings above maximum prices.
- 1358.102 Maximum prices for domestic cigars.
- 1358.102a Maximum prices for imported cigars.
- 1358.102b Maximum prices for cigar cuttings and clippings.

<sup>1</sup> 7 F.R. 8997.

<sup>2</sup> Statements of consideration are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

<sup>3</sup> 9 F.R. 10476, 13715.

##### Sec.

- 1358.103 Records.
- 1358.104 Less than maximum prices.
- 1358.105 Applicability of the General Maximum Price Regulation.
- 1358.106 Export sales.
- 1358.107 Federal and State taxes.
- 1358.108 Petitions for amendment.
- 1358.109 Evasion.
- 1358.110 Licensing.
- 1358.111 Enforcement.
- 1358.112 Definitions.
- 1358.113 Notice of maximum prices.
- 1358.114 Geographical applicability.
- 1358.115 Effective date.
- 1358.115a Effective dates of amendments.
- 1358.116 Appendix A.
- 1358.117 Appendix B.
- 1358.117a Appendix C.
- 1358.117b Appendix D.
- 1358.117c Appendix E.
- 1358.117d Appendix F.
- 1358.117e Appendix G.
- 1358.118 Revoked.

AUTHORITY: §§ 1358.101 to 1358.118, inclusive, issued under 50 Stat. 23, 765, 57 Stat. 660; Pub. Law 383, 78th Cong.; Pub. Law 163, 73rd Cong., E.O. 9250, 7 F.R. 7871; E.O. 9323, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155.

§ 1358.101 *Prohibition against sales of cigars above maximum prices.* On and after November 1, 1942, or the effective date of any amendment making a change in previously applicable maximum prices, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver any domestic cigars at higher prices than the maximum prices set forth in Appendix A (§ 1358.116), subject to the provisions of § 1358.102 of this Maximum Price Regulation No. 260; and no person shall sell or deliver any imported cigars at higher prices than the maximum prices set forth in Appendix B (§ 1358.117), subject to the provisions of § 1358.102a of this Maximum Price Regulation No. 260.

[Paragraph (a) amended by Am. 1, 7 F.R. 10255, effective 12-7-42. Introductory text amended by Am. 10, 9 F.R. 13223, effective 11-13-44]

(b) No person shall buy or receive any cigars in the course of trade or business at higher prices than the maximum prices set forth in this Maximum Price Regulation No. 260.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1358.101a *Prohibition against sales of cigar cuttings and clippings above maximum prices.* On and after June 23, 1944 regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver any cigar cuttings and clippings at a higher price than the maximum price established by this regulation.

(b) No person shall buy or receive any cigar cuttings and clippings in the course of trade or business at a higher price than the maximum price established by this regulation.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

[§ 1358.101a added by Am. 8, 9 F.R. 7060, effective 6-23-44]

§ 1358.102 *Maximum prices for domestic cigars—(a) Manufacturers' maximum prices for domestic cigars sold in March 1942.* (1) To determine his maximum list price for any brand and size

of domestic cigar sold in March 1942, a manufacturer shall first note from Column 1 of Appendix A his March 1942 stated retail price for that brand and size. He shall then ascertain from Column 2 of Appendix A the maximum retail price for that cigar and from Column 3 of Appendix A the maximum list price. If a manufacturer's March 1942 stated retail price does not appear in Column 1 of Appendix A, he shall determine the maximum list price and the maximum retail price under subparagraph (3) below.

(2) Any manufacturer may adopt, as the maximum retail price for a brand and size of domestic cigar of a March 1942 stated retail price listed in Column 1 of Appendix A, an amount less than that shown in Column 2 of Appendix A for that brand and size. In that event, if the adopted maximum retail price is stated in Column 2 of Appendix A, the manufacturer's maximum list price shall be the price stated in Column 3 of Appendix A corresponding to the adopted maximum retail price. If the adopted maximum retail price is not listed in Column 2, the manufacturer's maximum list price shall be:

(i) If the adopted maximum retail price is less than 10 cents each, the amount ascertained by multiplying the adopted maximum retail price per thousand cigars by .8; or

(ii) If the adopted maximum retail price is 10 cents each or more, but less than 15 cents each, the amount ascertained by multiplying the adopted maximum retail price per thousand cigars by .75; or

(iii) If the adopted maximum retail price is 15 cents each or more, the amount ascertained by multiplying the adopted maximum retail price per thousand cigars by .77.

(3) Maximum prices of a brand and size of domestic cigars of a March 1942 stated retail price not shown in Column 1 of Appendix A shall be determined as follows:

(i) The maximum retail price per cigar shall be ascertained by dividing the manufacturers' March 1942 stated retail price by the number of units to which it applied, and multiplying the resulting figure by the appropriate factor indicated below:

March 1942 stated retail price:	Multiplying factor
2 for 5¢ or less	2.00
More than 2 for 5¢ but less than 5¢ each	1.625
5 cents each, or more than 5¢ but less than 10¢ each	1.50
10¢ each, or more than 10¢ but not more than 17¢ each	1.45
More than 17¢ but less than 25¢ each	1.4
25¢ each or more	1.3

The maximum retail price per cigar thus obtained shall then be multiplied, if necessary, by the number of units to which the March 1942 stated retail price applied. If the manufacturer had alternative March 1942 stated retail prices for the brand and size of cigars to be priced, the lowest of the alternative prices shall be used. Fractions of a cent resulting in the manufacturer's calculation of maximum retail prices shall be adjusted as follows: If the fraction is less than  $\frac{1}{4}$

cent, the maximum retail price shall be reduced to the nearest full cent; if the fraction is  $\frac{1}{4}$  cent or more, but less than  $\frac{1}{2}$  cent, that price may be increased to the nearest half cent; if the fraction is  $\frac{1}{2}$  cent or more, but less than  $\frac{3}{4}$  cent, that price shall be reduced to the nearest half cent; if the fraction is  $\frac{3}{4}$  cent or more, that price may be increased to the nearest full cent.

(ii) The manufacturer's maximum list price per thousand cigars shall be:

(a) If the maximum retail price is less than 10¢ each, the amount ascertained by multiplying that maximum retail price per thousand cigars by .8; or

(b) If the maximum retail price is 10¢ each or more, but less than 15¢ each, the amount ascertained by multiplying that maximum retail price per thousand cigars by .75; or

(c) If the maximum retail price is 15¢ each or more, the amount ascertained by multiplying that maximum retail price per thousand cigars by .77.

(4) To determine his maximum net selling price to purchasers of a particular class for a brand and size of domestic cigars priced under subparagraphs (1) and (2) or (3), the manufacturer shall deduct from his maximum list price for those cigars, his March 1942 customary discounts and allowances to purchasers of that class.

(5) A manufacturer whose March 1942 list price for a brand and size of domestic cigars was a net selling price, subject only to discount for cash, shall determine his maximum net selling price for those cigars in the following manner:

(i) If the manufacturer had no March 1942 stated retail price for the brand and size of cigars, he shall apply to the Office of Price Administration in accordance with subparagraph (7) below. In all other instances

(ii) He shall first determine the maximum retail price for the brand and size of cigars. If that price is a multiple unit price, he shall reduce it to a single unit price by dividing it by the number of units to which it applies.

(iii) He shall then divide the figure obtained at (ii) by his March 1942 stated retail price per unit for the brand and size of cigars.

(iv) He shall then multiply his March 1942 net selling price (exclusive of cash discount) for the brand and size of cigars by the percentage obtained at (iii). The resulting figure is his maximum net selling price. His maximum list price for the brand and size of cigars shall be the amount determined in the manner provided above for cigars of the same maximum retail price.

(6) Maximum list prices determined under subparagraphs (1) and (2) and maximum net selling prices determined by reference thereto, are prices for packings of 50 cigars to an individual container. Maximum list prices determined under subparagraphs (3) and (5) are maximum prices for the manufacturer's customary March 1942 packing. Manufacturers shall allow their March 1942 customary packing differentials and may charge packing differentials not exceeding their customary differentials, if any, charged in March 1942.

(7) Any manufacturer who had no March 1942 stated retail price for a particular brand and size of domestic cigars sold in March 1942 shall apply to the Office of Price Administration, Tobacco Section, Washington, D. C., for determination of a maximum list price and a maximum retail price for those cigars. The application shall be signed by the manufacturer or by his duly authorized officer, member or agent and shall set forth:

(i) The manufacturer's name and address, and if the manufacturer is not an individual, the name and title of the person signing the application in his behalf.

(ii) The brand and size of domestic cigar to be priced. Three samples of that cigar shall be furnished with the application.

(iii) The manufacturer's March 1942 list price for the brand and size of cigars to be priced and his March 1942 customary discounts and allowances applicable to his sales of those cigars to his classes of purchasers.

After receipt of the application, the Price Administrator will, by order, establish a maximum list price and a maximum retail price for the brand and size of cigars, in line with the maximum list and maximum retail prices established by this regulation for comparable domestic cigars. Any such order may be revoked or modified by the Price Administrator at any time. Pending issuance of the order, the manufacturer may continue until January 1, 1945, to sell the cigars to be priced at his lawful maximum prices in effect on January 15, 1943, but may not change those maximum prices.

(8) A manufacturer who has received an adjustment in his average retail price ceiling pursuant to paragraph (c) (3) below, may apply for an adjustment of the maximum list and maximum retail prices established by this regulation for any one or more brands and sizes of domestic cigars manufactured by him which he sold in March, 1942. Applications shall be made by letter to the Office of Price Administration, Tobacco Section, Washington, D. C., signed by the manufacturer or his authorized agent, setting forth:

(i) The manufacturer's name and address, and the name and title of the person signing the application.

(ii) The brands and sizes of domestic cigars which are the subject of the application, three samples of each shall be enclosed.

(iii) The manufacturer's March, 1942, list price and March, 1942, stated retail price for these cigars.

(iv) The length and ring gauge of each such domestic cigar, and the number of pounds and kind of weight of each type number and grade of filler, binder and wrapper leaf tobacco used in making that cigar.

(v) A list showing each brand and size of domestic cigar manufactured by the applicant which he sold in March, 1942, with his present maximum list and stated retail prices for each such cigar (determined as provided in this paragraph (a)).

(vi) A list showing each brand and size of new domestic cigar manufactured

by the applicant for which maximum list and retail prices have been established by order of the Price Administrator pursuant to paragraph (b) below, the date of each such order and the prices established for each such cigar.

The Price Administrator may by order grant or deny, in whole or in part, the adjustment requested. No adjustment shall be granted under this subparagraph (8) if any cigar listed in the application under items (v) and (vi) above has a maximum retail price which exceeds the average retail price ceiling established for the applicant by order of the Price Administrator pursuant to paragraph (c) (3) below. Any adjustment granted under this subparagraph (8) shall be limited to an amount (or amounts) which will bring the maximum list and retail prices in line with industry average prices for domestic cigars of similar size, shape and tobacco content.

[Subparagraph (8) amended by Am. 14, 10 F.R. 11750, effective 9-24-45]

(b) *Manufacturers' maximum prices for new domestic cigars.* (1) Regardless of previous authorization, any manufacturer who desires to continue, after November 12, 1944, to sell a new domestic cigar shall apply on or before December 1, 1944 to the Office of Price Administration, Tobacco Section, Washington, D. C. for an order establishing a maximum list and a maximum retail price for such cigar. Any manufacturer who desires to sell, after November 12, 1944, a new domestic cigar he did not sell between April 1, 1942 and November 13, 1944, shall, before selling the cigar, likewise apply to the Office of Price Administration for such order.

(2) Applications under this paragraph shall be made in duplicate on OPA Form 635-2078 shown in Appendix D, or on copies of that form made by the manufacturer. Printed copies of that form may be obtained, on request, from the National Office or from any Regional or District Office of the Office of Price Administration. Three samples of the cigar to be priced shall be furnished with the application. Applications made on a form not completely filled out, unless accompanied by an adequate explanation of the reasons for each omission, shall not be deemed properly filed.

(3) If the application is properly filed, the Price Administrator will, by order, establish for the cigar that is the subject of the application, a maximum list and maximum retail price, in line with the level of corresponding prices established by this regulation for comparable domestic cigars. The order may likewise provide for maintenance of appropriate discounts, allowances and packing differentials. Any such order may be revoked or amended by the Price Administrator at any time.

(4) Pending issuance of an order establishing such maximum prices, a manufacturer properly filing an application under (1) above with respect to a new domestic cigar for which maximum list and maximum retail prices have previously been authorized under this regulation, may continue until January 1, 1945, or the effective date of the order (whichever is earlier) to sell the cigar that is

the subject of the application at his lawful maximum prices in effect on November 13, 1944. In all other instances, the manufacturer shall not sell the cigar which is the subject of the application until maximum list and maximum retail prices for sales of it are established by order issued under this paragraph.

(5) All maximum prices authorized under former § 1358.102 (e) of this regulation, and orders issued thereunder establishing such maximum prices, are revoked effective January 1, 1945.

(c) *Manufacturers' average retail price ceilings*—(1) *Requirement that average retail price ceiling be maintained.* A manufacturer of domestic cigars may sell any quantity of a particular brand and size of domestic cigars, the maximum list and maximum retail prices of which are properly established under this regulation; *Provided, That*, except as otherwise provided in subparagraph (6) below, the weighted average retail price of all domestic cigars manufactured by him which he sells tax paid during the calendar quarter beginning January 1, 1945, or during any calendar quarter thereafter, shall not exceed his average retail price ceiling for that quarter determined in accordance with subparagraph (2), (3) or (5) or paragraph (d) below.

**NOTE:** For the purpose of this subparagraph (1) and subparagraphs (4) and (6) below, if a manufacturer maintains one or more distribution outlets separate and distinct from his manufacturing premises and his storage facilities, all transfers tax-paid to such distribution outlets from such manufacturing premises or storage facilities during any given quarter shall be included in his sales for that period; however, sales made from such distribution outlets during that period shall be excluded from his sales for that period.

(2) *Determination of average retail price ceilings.* Each manufacturer of domestic cigars shall determine his average retail price ceiling in accordance with any applicable provision set forth in subdivisions (i), (ii), (iii) or (iv) below.

(i) *Manufacturers who sold domestic cigars in the first half of 1943 which they sold in March 1942.* If he manufactured and sold domestic cigars during March 1942, the manufacturer shall establish his average retail price ceiling by completing OPA Form 635-2077, shown in Appendix E (or copies of that form made by the manufacturer), and filing the completed form, in duplicate, with the Office of Price Administration, Tobacco Section, Washington, D. C. Printed copies of that form may be obtained, on request, from the National Office, or from any Regional or District Office of the Office of Price Administration. If the manufacturer had alternative March 1942 stated retail prices for a brand and size of domestic cigars sold by him in that month, the lowest of the alternative prices shall be used. If the manufacturer had no March 1942 stated retail

price for a brand and size of domestic cigars sold by him in that month, he shall use as his March 1942 stated retail price for those cigars the amount ascertained by multiplying his March 1942 list price per thousand for them by the appropriate factor indicated below and dividing the resulting total by 1,000.

March 1942 list price:	Multiplying factor
\$74 per thousand or less	1.25
More than \$74, but less than \$114 per thousand	1.33
\$114 per thousand or more	1.50

In determining an average retail price ceiling under this subdivision, the manufacturer shall disregard brands and sizes of domestic cigars manufactured and sold by him in the first half of the calendar year 1943, but not manufactured and sold by him in March 1942.

(ii) *Manufacturers who sold new domestic cigars in the first half of 1943 and who are not required to use (iii) below.* Unless required to use subdivision (iii) below, any manufacturer of domestic cigars who was in business for 30 or more consecutive days during the period from January 1 through June 30, 1943, and who sold during that period one or more sizes and brands of new domestic cigars manufactured by him, may establish his average retail price ceiling, or at his option amend his average retail price ceiling previously established prior to September 24, 1945, under this regulation, by filing in duplicate, on or before December 1, 1945, with the Office of Price Administration, Washington, D. C., 4 copies of OPA Form 635-2077 (or 4 copies of that form): *Provided, however, That*

*Instructions for completing these forms.* (a) On one sheet of OPA Form 635-2077, he shall write across the first line under the column headings, "Sheet I. March 1942 brands and sizes." He shall then complete Sheet I as provided in subdivision (i) above, following the instructions on the form, except that he shall not complete the weighted average retail price calculation at the bottom of the form.

(b) On a second sheet of that form, he shall write across the first line under the column headings, "Sheet II. New domestic cigars also sold after January 1, 1945." Under that heading, he shall enter in columns 1 and 2 each brand size of new domestic cigar manufactured by him which he sold both during the period from January 1 through June 30, 1943, and at any time since January 1, 1945; For each cigar listed in columns 1 and 2, he shall enter in column 3, the date and number of the order issued by the Price Administrator pursuant to paragraph (b) of this section, establishing a maximum retail price for that cigar, and in column 4, the maximum retail price established for that cigar by that order. Columns 5 and 6 shall be completed according to the instructions on the form. (Ignore instructions 1, 2 and 3 on this sheet). He shall not complete the weighted average price calculation at the bottom of the form.

(c) On a third sheet of that form, he shall write across the first line under the column headings "Sheet III. New domestic cigars not sold after January 1, 1945." Under that heading, he shall enter in columns 1 and 2 each brand and size of new domestic cigar manufactured by him which he sold during the period from January 1 through June 30, 1943, which he has not sold at any time since January 1, 1945. For each cigar listed in columns 1 and 2, he shall enter in column 3 the date on which he established

a manufacturer may not establish or amend an average retail price ceiling pursuant to this subdivision (ii) if he sold during the period from January 1 through June 30, 1943, any new domestic cigar manufactured by him which he also sold at any time after January 1, 1945, and for which cigar no maximum retail price ever has been established by order of the Price Administrator pursuant to paragraph (b) of this § 1358.102, or if he sold during that period any new domestic cigar manufactured by him which he has not sold at any time since January 1, 1945, for which cigar he did not establish a maximum retail price by filing the report required by former § 1358.102 (e) of this regulation, in effect during that period.

(iii) *Manufacturers who during the first half of 1943 sold new domestic cigars but who during such period did not sell any March, 1942, brands.* Any manufacturer of domestic cigars, to whom apply the conditions set forth in subdivisions (a) through (f) below, must establish his average retail price ceiling, or amend his average retail price ceiling previously established pursuant to this paragraph (c), by filing in duplicate, on or before December 1, 1945, with the Office of Price Administration, Washington, D. C., OPA Form 635-2077 (or a copy of that form) completed in accordance with the instructions set forth in footnote 5 to subdivision (ii) above.

(a) He was in business for 30 or more consecutive days during the period from January 1 through June 30, 1943; and

(b) He did not sell during that period any cigar manufactured by him which he also sold during March, 1942, and

(c) He sold during that period one or more new domestic cigars manufactured by him; and

the maximum retail price of that cigar by filing the report required by former § 1358.102 (e) of this regulation, and in column 4 the maximum retail price so established for that cigar (or, if such maximum retail price was modified by order of the Price Administrator issued pursuant to former § 1358.102 (e), the maximum retail price established by such order.) Columns 5 and 6 shall be completed according to the instruction on the form (Ignore instructions 1, 2 and 3 on this sheet). He shall not complete the weighted average retail price calculation on the bottom of the form.

(d) On a fourth sheet of that form, he shall write across the first line under the column heading, "Sub-totals carried forward from Sheets I, II, and III." On the next line, he shall write across columns 1, 2, 3 and 4, "Sub-total from Sheet I", and enter in columns 5 and 6 the totals shown on Sheet I for these columns. On the third line, he shall write "Sub-total from Sheet II" and enter in columns 5 and 6 the totals for these columns shown on Sheet II. On the fourth line, he shall write "Sub-total from Sheet III" and enter in columns 5 and 6 the totals for these columns shown on Sheet III. (If he sold no cigars in the category covered by any one of Sheets I, II or III, that sheet must be completed, and the word "none" written in under the sub-heading. In that case, the totals carried from that sheet to Sheet IV will be zero.) He shall then total columns 5 and 6 on Sheet IV, and complete the weighted average price ceiling computation at the bottom of that Sheet, according to the instruction on the form.

<sup>4</sup> Orders issued prior to September 24, 1945 under § 1358.102 (c) (3) that establish lower ceilings than are determined under this section (c) (2) are revoked; those orders which establish higher ceilings are continued in effect.

(d) A maximum retail price has been established by order of the Price Administrator, pursuant to paragraph (b) of this section, for each new domestic cigar manufactured by him which he sold both during that period and at any time since January 1, 1945; and

(e) He established, by filing the report required by former § 1358.102 (e) of this regulation, a maximum price for each new cigar manufactured by him which he sold during that period but has not sold at any time since January 1, 1945; and

(f) No average retail price ceiling has been established for him by order of the Price Administrator pursuant to subparagraph (3) of this paragraph (c) or paragraph (d) below.

(iv) *For certain other manufacturers (including all who commenced business after June 1, 1943).* A manufacturer who is neither establishing (or amending) his average retail price ceiling pursuant to any of subdivisions (i), (ii), or (iii) above, and for whom no average retail price ceiling has been established by order of the Price Administrator pursuant to subparagraph (3) below, shall establish his average retail price ceiling, or amend his average retail price ceiling previously established pursuant to this paragraph (c), as provided in subdivisions (b) and (c) below.

[Above paragraph amended by Am. 15, effective 11-26-45]

However, any manufacturer who, prior to this amendment [effective 9-24-45], established his average retail price ceiling by reference to Appendix G as contained in Amendment 10 to this regulation, may continue to use his average retail price ceiling so established until January 1, 1946.

(a) *Definitions of Class I and II manufacturers.* A manufacturer of cigars is a Class I manufacturer if fifty percent or more of the domestic cigars which he produces annually are both bunched and rolled by automatic machine. Any other cigar manufacturer is a Class II manufacturer.

(b) *For new Class I manufacturers.* If he is a Class I manufacturer (defined in subdivision (a) above), he shall make a written application in duplicate to the Office of Price Administration, Tobacco Section, Washington, D. C., on or before December 1, 1945, or ten days prior to the date of his first sale of domestic cigars manufactured by him, whichever is later. Such application shall show the location of each of his factories, the date on which he commenced (or intends to commence) operations, the total number of domestic cigars (if any) manufactured by him in the year preceding the date of his application and the total number of such cigars which were both bunched and rolled by automatic machine. On receipt of such application, the Price Administrator will, by order or amendment, establish, or provide a method for establishing, the average retail price ceiling for such manufacturer.

(c) *For new Class II manufacturers.* If he is a Class II manufacturer (defined in subdivision (a) above) and manufactures domestic cigars in one cigar fac-

tory, or in two or more cigar factories all located within a single Internal Revenue Collection District, his average retail price ceiling shall be the amount listed in Appendix G for that Internal Revenue Collection District. If he is a Class II manufacturer and manufactures domestic cigars in two or more cigar factories located in two or more Internal Revenue Collection Districts, his average retail price ceiling shall be the smallest of the amounts listed in Appendix G for those Internal Revenue Collection Districts. A manufacturer establishing his average retail price ceiling under this subdivision shall make a written report in duplicate, showing the location of each of his factories, the date on which he commenced (or intends to commence) operations, the total number of domestic cigars (if any) produced in the year preceding the date of his application, the number of these which were both bunched and rolled by automatic machine, and the amount of his average price ceiling determined pursuant to this subparagraph. He shall file this report in duplicate with the Office of Price Administration, Tobacco Section, Washington, D. C., on or before December 1, 1945, or ten days prior to the date of his first sale of domestic cigars manufactured by him, whichever is later.

(3) *Adjustments of average retail price ceilings.* A manufacturer who is unable to maintain his average retail price ceiling determined under subparagraph (2) above or subparagraph (5) below and earn a net operating profit (before taxes on income) of 4.5 percent of his dollar net sales (Dollar net sales, for the purpose of this amendment [Amendment 14], must be interpreted as meaning sales of all cigars sold during the period at manufacturers' list price, less discounts allowed and returns and allowances. Such sales shall not include transfers to distribution centers, but shall include sales made from those distribution centers) may apply to the Price Administrator for an adjustment of his average retail price ceiling. Such application shall be filed in duplicate with the Office of Price Administration, Tobacco Section, Washington, D. C., and shall be signed by the manufacturer or his authorized agent. It shall contain:

(i) Applicant's name and address, and the name and title of the person signing the application.

(ii) A statement setting forth separately as to intended use (filler, binder or wrapper) the weight and kind of weight of each grade of each type number of tobacco held in inventory on January 2, 1945, by the applicant.

(iii) Applicant's operating and profit and loss statements (prepared according to his usual system of accounting) for the period from January 1 through June 30, 1945.

(iv) Applicant's statement of cigars sold during the above accounting period, setting forth (a) the total number of cigars sold by retail sales price, separated between domestic tax paid and tax free cigars, and (b) rates of discounts allowed on each price group.

(v) The brand name, front mark or size, length and ring gauge of each domestic cigar manufactured by applicant

during the period from January through June 30, 1945, showing the percentage of each grade of each type number of tobacco used as filler, binder and wrapper in making each such cigar, and the total number and method of manufacture of cigars of each brand name and front mark or size produced during the period from January 1 through June 30, 1945.

(vi) Applicant's average retail price ceiling and the date on which he established or last amended that average retail price ceiling pursuant to subparagraph (2) above, or the date of the order issued by the Price Administrator pursuant to paragraph (d) below, establishing such average retail price ceiling.

After receipt of the application, and if any further information or evidence considered necessary and requested for purposes of determining the propriety of an adjustment, the Price Administrator will, by order, grant or deny, in whole or in part, the adjustment requested. Any adjustment granted may be limited as to time. An order granting or denying an adjustment may be revoked or modified by the Price Administrator at any time. Adjustments granted under this subparagraph shall be limited to an amount found by the Price Administrator to be the price reflected on the average in the industry for cigars made by the applicant from tobacco of the grade and type contained in the applicant's January 2, 1945 inventory. However, no adjustment shall be granted under this subparagraph in an amount which exceeds that found by the Price Administrator to be reasonably necessary to allow the applicant profits, before income and excess profits taxes, on his domestic cigar manufacturing operations, equal to 4.5 percent of his dollar sales.

(4) *Quarterly reports of sales of domestic cigars.* On or before April 15, 1945, and on or before the 15th day of each third month thereafter, every manufacturer of domestic cigars shall file in duplicate with the Office of Price Administration, Tobacco Section, Washington, D. C., a complete and accurate report on OPA Form 635-2076 shown in Appendix F (or on copies of that form), showing the weighted average retail price of all domestic cigars manufactured by him which he sold (tax-paid) during the preceding quarter. For this purpose, his "sales" during any prescribed quarter shall have the meaning given to that term in subparagraph (c) (1) above.

(5) *Increase in average retail price ceilings for manufacturers using Cuban tobacco.* A manufacturer who has established or amended his average retail price ceiling pursuant to paragraph (c) (2) above, or whose average retail price ceiling has been established by order of the Price Administrator pursuant to paragraph (d) below, and who uses Cuban tobacco in the manufacture of domestic cigars during any quarter, may submit a separate written report showing the stemmed weight of Cuban tobacco and the stemmed weight of all tobacco (including Cuban tobacco) used by him in the manufacture of domestic cigars during that quarter. This report shall be submitted in duplicate together with his report on OPA Form 635-2076



for that quarter, except that any such report for the second quarter of 1945 may be submitted after submission of his report on OPA Form 635-2076 for the second quarter of 1945 but no later than October 15, 1945. Thereupon his average retail price ceiling for the quarter immediately following the quarter for which such report is made, shall be increased by an amount computed as follows:

(i) The stemmed weight of Cuban tobacco so reported shall be divided by the stemmed weight of all tobacco so reported.

(ii) The resulting decimal factor shall be multiplied by .18.

(iii) His maximum average price ceiling shall be multiplied by the second resulting decimal factor.

The Cuban tobacco adjustment may not be added to an average retail price ceiling established pursuant to paragraph (c) (3) above. However, if for any quarter the average retail price ceiling of a manufacturer, as determined by any of the methods in paragraph (c) (2) plus the adjustment allowed by this paragraph (c) (5), is higher than the average retail price ceiling established for that manufacturer under (c) (3), the manufacturer may take as his ceiling the ceiling so calculated under paragraph (c) (2) and (c) (5) rather than the ceiling established for him under paragraph (c) (3).

[Above paragraph amended by Am. 15, effective as of 9-24-45]

(6) *Surcharges and credits*—(i) *How to compute surcharges or credits.* If a manufacturer's weighted average retail price for any prescribed quarter, three calendar months' period, as reported on OPA Form 635-2076, exceeds his average retail price ceiling for that quarter, he has incurred a "surcharge"; if it is less than his average retail price ceiling, he has earned a "credit." The amount of the surcharge or credit is computed by first finding the difference between the manufacturer's weighted average retail price for the quarter and his average retail price ceiling, and then multiplying that difference by the number of domestic cigars manufactured by him which he sold (tax paid) during that quarter.

(ii) *When a net surcharge or net credit must be computed.* At the end of each quarter a manufacturer must determine whether he has incurred a net "surcharge." A net surcharge is the amount by which a surcharge incurred by a manufacturer in any quarter exceeds any net credit earned by him in the immediately preceding quarter. A net credit is the amount by which a credit earned by a manufacturer in any quarter exceeds any net surcharge incurred by him in the immediately preceding quarter.

(iii) *Tolerances.* Each manufacturer has an "allowable tolerance" for any given quarter, which amounts to 5% of the dollar amount which results from multiplying his average retail price ceiling for that quarter by the number of domestic cigars manufactured by him which he sold tax paid during that quarter.

(iv) *When net surcharge is regarded as a violation.* A manufacturer who incurs during any quarter a net surcharge in a dollar amount which is larger than his allowable tolerance for that quarter shall be deemed to have violated this regulation and shall be subject to the criminal penalties, enforcement actions, license suspension suits and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(v) *Redemption of excessive surcharge.* A manufacturer who incurs during any quarter a net surcharge in a dollar amount which is equal to or smaller than his allowable tolerance for that quarter may discharge that net surcharge during the immediately following quarter, by earning in such following quarter a credit equal to or greater in dollar amount than such net surcharge. To the extent that such manufacturer fails to discharge such net surcharge during the immediately following quarter, he shall be deemed to have violated this regulation and shall be subject to the criminal penalties, enforcement actions, license suspension suits, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

[Paragraph (c) amended by Am. 14, 10 F.R. 11750, effective 9-24-45 and as otherwise noted.]

(d) *Inability to determine prices.* A manufacturer otherwise unable to determine under this section the maximum list and a maximum retail price of a brand and size of domestic cigars he manufactures and sells, or unable to determine his average retail price ceiling, shall apply by letter to the Office of Price Administration, Tobacco Section, Washington, D. C. The application shall be signed by the manufacturer or by his authorized officer, member or agent, and shall set forth:

(1) The manufacturer's name and address, and if the manufacturer is not an individual, the name and title of the person signing the application in his behalf.

(2) A statement in detail of the circumstances making the filing of the application necessary.

After receipt of the application and any further information or evidence considered necessary and requested for purposes of determining proper maximum prices, the Price Administrator will, by order or amendment, provide the prices or a method of determining the prices for the situation presented that are in line with corresponding prices otherwise established by this regulation. Any such order may be revoked or modified by the Price Administrator at any time.

(e) *Wholesalers' maximum prices.* (1) On and after receipt of notice from his supplier given pursuant to § 1353.113 of the maximum list price and maximum retail price of a brand and size of domestic cigars, a wholesaler's maximum list price for those cigars sold to him at or after receipt of the notice shall be the manufacturer's maximum list price determined under this section. With respect to floor stocks of that brand and size of domestic cigars at the date of receipt of the notice, the wholesaler's

maximum list price shall be his maximum list price established under former § 1358.102 (c) or (e) of this regulation.

(2) To determine his maximum net selling price to purchasers of a particular class for a sale of a brand and size of domestic cigars, a wholesaler shall deduct from his maximum list price for them his March 1942 customary discounts and allowances on sales of cigars of the same March 1942 price class to purchasers of that class. Wholesalers shall allow their March 1942 customary differentials for packings and may charge differentials for packings not exceeding their customary differentials, if any, charged in March 1942 on domestic cigars of the same March 1942 price class to purchasers of the same class. If the brand and size of domestic cigars being priced is of a March 1942 price class not sold by the wholesaler in that month, he shall, in determining his maximum net selling price, grant the discounts, and may charge and shall allow the differentials for packing customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(f) *Retailers' maximum prices.* (1) A retailer's maximum price for a sale of a brand and size of domestic cigars shall be the retail price lawfully stated or required to be stated on the box, container or package of those cigars, or the retail price lawfully stated in the notice given by his supplier according to § 1353.112, whichever is the lower.

(2) Where the box, container or package, or the notice from the supplier shows both a single unit and a multiple unit price (for example: 7 cents, three for 20 cents), the retailer's maximum price for sales of that multiple unit shall be the price thus stated.

(3) Where the box, container or package, or the notice from the supplier shows only a multiple unit price (for example: two for 15 cents), the retailer's maximum price for sales of that multiple unit shall be the price thus stated. If a purchaser requests a quantity of such cigars less than the multiple unit, the retailer's maximum price for the sale shall be the multiple unit price divided by the number of units to which it applies and multiplied by the number of units being priced, with a fraction of a cent in the resulting figure adjusted to the next higher full cent. If the purchaser offers to buy the number of cigars to which the multiple unit price applies, but the retailer refuses to sell the purchaser that number, his maximum price for the sale shall be figured in like manner, except that a fraction of a cent in the resulting figure shall be disregarded.

[§ 1353.102 amended by Am. 1, 7 F.R. 10255, effective 12-7-42; Am. 3, 7 F.R. 11113, effective 1-4-43; Am. 4, 8 F.R. 1974, effective 2-10-43; Am. 7, 9 F.R. 2937, effective 3-12-44; Am. 10, 9 F.R. 13233, effective 11-13-44; and Am. 11, 9 F.R. 13592, effective 11-13-44]

§ 1353.102a. *Maximum prices for imported cigars*—(a) *Listed imported cigars.* The maximum list price and the maximum retail price of any imported

cigar listed in § 1358.117, Appendix B, which is sold after September 3, 1944 shall be the maximum prices set forth in that section for the imported cigar of the same brand name and front mark and of the same size, shape and quality.

(b) *Imported cigars not listed.* (1) The maximum list price and the maximum retail price of any imported cigar not listed in § 1358.117, Appendix B, which an importer did not sell prior to September 4, 1944 and which he desires to sell after such date, shall be the maximum prices set forth in that section for an imported cigar of comparable size, shape and quality. Maximum prices for an imported cigar determined by an importer under this subdivision shall not be charged, paid or received until authority to establish such maximum prices has been given by the Office of Price Administration, Washington, D. C. Such authorization will be given only after receipt, in duplicate, of all the information and evidence requested in OPA Form 635-1065, shown in § 1358.117a, Appendix C. Copies of such form will be furnished to each applicant making request therefor to the Office of Price Administration, Tobacco Section, Washington, D. C.

(2) Within 30 days after September 4, 1944, every importer of an imported cigar, sold prior to such date, which is not listed in § 1358.117, Appendix B, shall apply for authorization of his maximum prices in the same manner provided in (1), above. An importer who has applied for authorization of his maximum prices under this subdivision may continue to sell the cigar being priced at maximum prices heretofore properly established under this regulation, until receipt by him of an order issued by the Office of Price Administration in accordance with (c), below.

(c) After receipt of an application filed under (b), above, the Office of Price Administration, Washington, D. C., will, by order, establish a maximum list price and a maximum retail price for the imported cigar being priced.

(d) Importers' discounts on sales of any imported cigar priced under paragraph (a) or (b) above shall not be less than those allowed in March 1942 on their sales of imported cigars of the same March 1942 price class to the same class of purchasers. Importers' price differentials for packings charged in March 1942 on their sales of imported cigars in the same March 1942 price class may be charged on sales of such imported cigars and shall not be increased. Importers' price differentials for packings allowed in March 1942 on their sales of imported cigars of the same March 1942 price class shall be allowed on their sales of such imported cigars and shall not be reduced: *Provided, however,* That any importer may eliminate any packing differential allowed by him between packings of 25 imported cigars and 50 imported cigars in standard labeled wooden boxes of all brands and frontmarks of imported cigars having maximum retail prices of three for one dollar or less. This allowed elimination of a packing differential shall apply to all imported cigars for which maximum prices are established by order under paragraph

(c) of this section in addition to those imported cigars for which maximum prices are established by § 1358.117, Appendix B. If an imported cigar is of a price class not previously sold by the particular importer, the discounts applicable to his sales thereof shall not be less than those established under this regulation for sales of imported cigars of that price class by his most closely competitive seller of the same class and packing differentials charged or allowed shall not be greater or less, respectively, than those charged or allowed under this regulation by his most closely competitive seller of the same class on sales of imported cigars of that price class.

[Paragraph (d) amended by Am. 13, 10 F.R. 7852, effective 7-2-45]

(e) *Wholesalers' maximum prices.* (1) On and after receipt of notice from his supplier given pursuant to § 1358.113 of the maximum list price and maximum retail price of a brand and size of imported cigars, a wholesaler's maximum list price for those cigars sold to him at or after receipt of the notice shall be the importer's maximum list price determined under this section. With respect to floor stocks of that brand and size of imported cigars at the date of receipt of the notice, the wholesaler's maximum list price shall be his maximum list price established under former provisions of this section.

(2) To determine his maximum net selling price to purchasers of a particular class for a sale of a brand and size of imported cigars, a wholesaler shall deduct from his maximum list price for them his March 1942 customary discounts and allowances on sales of imported cigars of the same March 1942 price class to purchasers of that class. Wholesalers shall allow their March 1942 customary differentials for packings and may charge differentials for packings not exceeding their customary differentials, if any, charged in March 1942 on imported cigars of the same March 1942 price class to purchasers of the same class. If the brand and size of imported cigars being priced is of a March 1942 price class not sold by the wholesaler in that month, he shall, in determining his maximum net selling price, grant the discounts, and may charge and shall allow the differentials for packings customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same March 1942 price class to purchasers of the same class. If an importer eliminates his packing differential between packings of 25 and 50 imported cigars with a maximum price of three for a dollar or less as allowed by paragraph (d) of this section, a wholesaler may, to the same extent, eliminate his packing differential on such cigars as he purchases from that importer.

[Paragraph (e) amended by Am. 13, 10 F.R. 7852, effective 7-2-45]

(f) *Retailers' maximum prices.* (1) A retailer's maximum price for a sale of a brand and size of imported cigars shall be the retail price lawfully stated or required to be stated on the box, container

or package of those cigars, or the retail price lawfully stated in the notice given by his supplier according to § 1358.113, whichever is the lower.

(2) Where the box, container or package, or the notice from the supplier, shows both a single unit and a multiple unit price (for example: 19 cents, three for 55 cents), the retailer's maximum price for sales of that multiple unit shall be the price thus stated.

(3) Where the box, container or package, or the notice from the supplier, shows only a multiple unit price (for example: three for \$1.00), the retailer's maximum price for sales of that multiple unit shall be the price thus stated. If a purchaser requests a quantity of such cigars less than the multiple unit, the retailer's maximum price for the sale shall be the multiple unit price divided by the number of units to which it applies and multiplied by the number of units being priced, with a fraction of a cent in the resulting figure adjusted to the next higher full cent. If the purchaser offers to buy the number of cigars to which the multiple unit price applies, but the retailer refuses to sell the purchaser that number, his maximum price for the sale shall be figured in like manner, except that a fraction of a cent in the resulting figure shall be disregarded.

[Paragraph (d), formerly subparagraph (4) amended, paragraph (e), formerly subparagraph (5) revoked and new (e) and paragraph (f) added by Am. 10, 9 F.R. 13288, effective 11-13-44]

(g) The maximum prices of any new imported cigar established under this paragraph shall be subject to modification by the Office of Price Administration or any duly authorized officer thereof at any time.

[Subparagraphs (a) (1) thru (g) redesignated paragraphs (a), (b), (c), (d), (e) and (g) respectively by Am. 10, 9 F.R. 13288, effective 11-13-44]

[§ 1358.102a added by Am. 1, 9 F.R. 10255, effective 12-7-42; amended by Am. 3, 7 F.R. 11113 effective 1-4-43; Am. 4, 8 F.R. 1074, effective 2-16-43; and Am. 9, 9 F.R. 10593, effective 9-4-44; and as otherwise noted]

§ 1358.102b *Maximum price for cigar cuttings and clippings.* The maximum price for sales to any purchaser of any type of cigar cuttings and clippings in any quantity shall be 30 cents per pound f. o. b. seller's customary shipping point. That price includes all charges for packing and packaging materials customarily furnished by the seller during March 1942 in his sales of cigar cuttings and clippings of the same type.

[§ 1358.102b added by Am. 8, 9 F.R. 7060, effective 6-23-44]

§ 1358.103 *Records.* (a) Every person who makes sales for which maximum prices are established by this regulation shall:

(1) Make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records showing the prices he charged in those sales and the manner in which they were figured.

(2) Preserve for examination by the Office of Price Administration for the

same period all of his existing records which are the basis of determination of his maximum prices in the manner prescribed by this regulation.

(3) Preserve for examination by the Office of Price Administration for the same period all existing records he was required to make or preserve by any regulation superseded by this regulation, or by superseded provisions of this regulation.

(b) Every manufacturer who makes sales for which maximum prices are established by this regulation shall, in addition:

(1) Make and preserve for examination by the Office of Price Administration for the same period records showing his purchases of and prices paid for cigar leaf tobacco by types and grades and his use of cigar leaf tobacco in each brand and size of domestic cigars he manufactures and sells.

(2) Make and preserve for examination for the Office of Price Administration for the same period records showing his volume of sales of each brand and size of domestic cigars he manufactures and sells in the three calendar months' period beginning January 1, 1945 and in each three calendar months' period thereafter.

(c) Records to be made or preserved by a person under this section may be of the same kind as he customarily kept if his customary records supply the required information.

"Records" as used in this section means written evidence of transactions including books of account, price lists, sales lists, sales slips, vouchers, contracts, receipts, invoices, bills of lading, inventory records, copies of individual applications and reports filed with the Office of Price Administration under this regulation, and other papers or documents necessary to determine prices charged or paid and the method used to figure them.

[§ 1358.103 amended by Am. 1, 7 F.R. 10255, effective 12-7-42; revoked and new § 1358.103 added by Am. 4, 8 F.R. 1974, effective 2-16-43; amended by Am. 5, 8 F.R. 2208, effective 2-24-43; Am. 9, 9 F.R. 10583, effective 9-4-44; revoked and new § 1358.103 added by Am. 10, 9 F.R. 13288, effective 11-13-44]

§ 1358.104 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 260 may be charged, demanded, paid or offered.

§ 1358.105 *Applicability of the General Maximum Price Regulation.* (a) The provisions of this Maximum Price Regulation No. 260 supersede the provisions of the General Maximum Price Regulation<sup>9</sup> with respect to sales and deliveries of cigars for which maximum prices are established by this regulation.

(b) The following sections of the General Maximum Price Regulation as well as amendments thereto, shall be applicable to every manufacturer, seller at wholesale or at retail and importer:

[Above paragraph amended by Am. 1, 7 F.R. 10255, effective 12-7-42]

<sup>9</sup> 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

- (1) Special deals (§ 1499.4 (b)).
- (2) Transfers of business or stock in trade (§ 1499.5).
- (3) [Revoked]
- (4) [Revoked]
- (5) Sales slips and receipts (§ 1499.14).
- (6) Definitions § 1499.20 (d), (e), (h), (i), (k), (o), (p), (r), and (s).

[Subparagraphs (3) and (4) 'revoked, subparagraph 6 amended by Am. 10, 9 F.R. 13288, effective 11-13-44]

§ 1358.106 *Export sales.* The maximum prices at which a person may export cigars shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation<sup>1</sup> issued by the Office of Price Administration.

§ 1358.107 *Federal and State taxes.* (a) The amount of all Federal taxes in effect on November 2, 1942, with respect to cigars is reflected in the maximum prices for cigars established by this Maximum Price Regulation No. 260 and no amount may be added to the maximum price of any seller with respect thereto.

(b) The amount of any State tax incident to the sale, delivery, processing or use of cigars which has customarily been added to the stated retail price thereof may be added to the maximum retail prices for cigars established by this Maximum Price Regulation No. 260.

(c) Any seller may at any time add to his maximum prices for cigars established by this Maximum Price Regulation No. 260 the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon the seller after November 1, 1942 by any statute of the United States or by any statute or ordinance of any State or subdivision thereof: *Provided*, That such amount has actually been paid or will be payable by the seller to the proper taxing authorities or to any prior vendor with respect to the particular cigars in question.

(d) If the amount of any such new tax, or increase in an existing tax which the seller may add under paragraphs (b) and/or (c) to his maximum prices includes the fractional part of a cent, the maximum price shall be adjusted to the next higher even cent, if the fraction is  $\frac{1}{2}$  cent or more, or to the next lower even cent if the fraction is less than  $\frac{1}{2}$  cent; *Provided*, That no retailer shall so adjust a maximum price for a single cigar of any brand to the next higher even cent unless he offers the same brand of cigars for sale in a multiple quantity sufficient to raise the amount of the new or increased tax applicable to such multiple quantity to the next higher even cent.

[Former § 1358.107 revoked and new section added by Am. 3, 7 F.R. 11113, effective 1-4-43]

§ 1358.108 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 260 may file a petition for

<sup>1</sup> Second Revision: 8 F.R. 4132, 5367, 7663, 9998, 15193; 9 F.R. 1030, 7201, 9335, 11273, 12919, 14436; 10 F.R. 863, 923, 2432, 6590, 8740, 8811, 9586, 10029.

amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1358.109 *Erasion.* (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of cigars or cigar cuttings and clippings either alone or in conjunction with each other or any other commodity, or by way of commission, service, transportation, or any charge or discount, premium or other privilege, or by tying agreement, trade understanding or otherwise.

[Paragraph (a) amended by Am. 8, 9 F.R. 7009, effective 6-23-44]

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) In the determination of maximum prices of cigars, the reduction or elimination by a seller (other than a seller at retail) of his customary promotional, advertising or other allowances and discounts or price differentials existing in March 1942, whether due to freight or otherwise.

[Subparagraph (1) amended by Am. 4, 8 F.R. 1974, effective 2-16-43; and Am. 8, 9 F.R. 7009, effective 6-23-44]

(2) The depreciation of the quality or size of a cigar other than a normal variation.

(3) Elimination of the seller's customary cash discounts on sales of cigar cuttings and clippings or deviations from the seller's customary practice with respect to moisture content, size, and preparation for sale of cigar cuttings and clippings, normal variation excepted.

[Subparagraph (3) added by Am. 8, 9 F.R. 7009, effective 6-23-44]

§ 1358.110 *Licensing.* The provisions of Licensing Order No. 1,<sup>2</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1358.110 amended by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

§ 1358.111 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 260 are subject to the criminal penalties, civil enforcement actions, license suspensions proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 260 or any price schedule, regulation or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

<sup>2</sup> 8 F.R. 13240.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1358.112 *Definitions*. When used in Maximum Price Regulation No. 260 the term:

(a) "Cigar" comprehends:

(1) "Domestic cigars" which are defined to include all types of cigars, cheroots, stogies and little cigars, except those weighing less than three pounds per thousand, manufactured or produced in the continental United States or its territories and possessions.

(2) "Imported cigars" which are defined to include all types of cigars, cheroots, stogies and little cigars manufactured or produced outside of the continental United States or its territories or possessions, except those weighing less than three pounds per thousand.

(3) Only domestic cigars wherever used in § 1358.102 and only imported cigars wherever used in § 1358.102a.

(4) "New domestic cigar" which means:

(i) Any brand and size of domestic cigars not manufactured and sold in March 1942 by the particular manufacturer; and

(ii) Any size of domestic cigars not manufactured and sold under the particular brand during March 1942 by the manufacturer; and

(iii) Any brand and size of domestic cigars manufactured and sold by the particular manufacturer in March 1942 and thereafter changed as to size, shape, length, ring gauge, type or grade of tobacco, otherwise than as a normal variation.

(5) "New imported cigar" which means:

(i) Any brand and size of imported cigars not imported and sold in March 1942 by the particular importer; and

(ii) Any size of imported cigars not imported and sold under the particular brand during March 1942 by the importer; and

(iii) Any brand and size of imported cigars sold by the particular importer in March 1942 and thereafter changed as to size, shape, length, ring gauge and type or grade of tobacco, otherwise than as a normal variation.

[Subparagraphs (2) and (3) amended and (4) and (5) added by Am. 10, 9 F.R. 13288, effective 11-13-44]

[Paragraph (a) amended by Am. 1, 7 F.R. 10255, effective 12-7-42, and as otherwise noted]

(b) "Manufacturers' list price" means the manufacturers' gross price per thousand cigars before discounts and allowances.

(c) "Manufacturers' net selling price" means the manufacturers' list price less all discounts and allowances.

(d) "Stated retail price" means the retail price printed or otherwise marked by the manufacturer or importer upon the individual box or container of a particular brand or size of cigars, or if a retail price was not so marked, then the retail price suggested by the manufacturer or

importer for the particular brand or size of cigars in his standard price list effective during March, 1942.

[Paragraph (d) amended by Am. 4, 8 F.R. 1974, effective 2-16-43]

(e) "Packings" means the number of cigars contained in any container of cigars for sale at retail and the style and quality of the container.

(f) "Private brand" means any brand or name applied to a cigar of a particular size, quality and price class by any manufacturer or importer, and which cigar, so branded, is exclusively sold to or made for any one person or seller.

[Paragraph (f) added by Am. 1, 7 F.R. 10255, effective 12-7-42]

(g) "Cigar cuttings and clippings" means cigar scrap, cuttings, clippings, sweepings, siftings and scraps or pieces of tobacco resulting from cigar manufacturing.

[Paragraph (g) added by Am. 8, 9 F.R. 7060, effective 6-23-44]

(h) "Importer" means a person in continental United States or its territories or possessions, who first purchases for resale imported cigars from a supplier whose place of business is located outside continental United States or its territories or possessions.

[Paragraph (h) added by Am. 10, 9 F.R. 13288, effective 11-13-44]

§ 1358.113 *Notice of maximum prices—*

(a) *Marking of maximum retail prices on containers*. Every manufacturer of domestic cigars and every importer of imported cigars shall state in plainly visible numerals upon each box, container or package of cigars sold by him the exact maximum retail price established by this regulation for those cigars. The maximum retail price shall be stated on the inside of the top cover of boxes or containers with attached top covers, except that with respect to such boxes or containers of imported cigars withdrawn from customs prior to January 8, 1945, or of domestic cigars bearing Internal Revenue stamps cancelled prior to that date, that price may be stated on any other part of the container or box readily visible to a purchaser. On boxes or containers with no attached top covers, or packages containing ten or less cigars, the maximum retail price shall be stated on any other part of a container or box readily visible to a purchaser. No wholesaler or retailer shall in any manner alter or efface the maximum retail price stated upon a box, container or package of domestic or imported cigars (except to state a lower retail price) or use it to display domestic or imported cigars of a different maximum retail price class than those originally packed therein.

[Paragraph (a) amended by Am. 12, 9 F.R. 14067, effective 11-24-44]

(b) *Notice by manufacturers and importers*. On or before his first delivery after November 12, 1944, of any brand and size of domestic or imported cigars, the manufacturer or importer thereof, respectively, shall notify the purchaser of the exact maximum list price and maximum retail price of those cigars by

delivering to the purchaser a written statement as follows:

On our (describe cigars by brand, frontmark and size) the Office of Price Administration has established a maximum list price of \$ (insert price) per thousand in packings of (specify number of cigars per box or container) and a maximum retail price of (insert cents per unit or multiple unit, or both, as appropriate). All customary discounts and allowances in effect in March 1942 on your purchases will not be lowered. All packing differentials allowed in March 1942 will not be lowered and all packing differentials charged in that month will not be increased. Wholesalers receiving this notice are required to give similar notice to every purchaser to whom they sell these cigars on or before their first delivery to such purchaser. The Office of Price Administration requires you to keep this notice for examination.

(c) *Notice by wholesalers*. On or before his first delivery after November 12, 1944 of any brand or size of domestic or imported cigars with respect to which notice has been given to him under paragraph (b) by the manufacturer or importer, every wholesaler shall notify each purchaser of the exact maximum list price and maximum retail price of those cigars by delivering to the purchaser a written statement as follows:

On our (repeat brand, frontmark and size description in notice from supplier), the Office of Price Administration has established a maximum list price of (repeat maximum list price in notice from supplier) in packings of (specify packing listed in notice from supplier) and a maximum retail price of (specify maximum retail price or prices in notice from supplier). All customary discounts and allowances in effect in March 1942 on your purchases will not be lowered. All packing differentials allowed in March 1942 will not be lowered and all packing differentials charged in that month will not be increased. The Office of Price Administration does not permit you to alter or efface the retail price shown on boxes or containers of these cigars, or to use these boxes or containers to display cigars of a different maximum retail price class. The Office of Price Administration requires you to keep this notice for examination.

(d) No notice need be given under paragraph (b) or (c) if the maximum list and the maximum retail prices of a brand and size of cigars established under this regulation are the same as those in effect prior to November 13, 1944. Notice once given under paragraphs (b) or (c) to a particular purchaser with respect to a brand and size of cigars need not be repeated unless a change is thereafter made in their maximum list or maximum retail prices. However, if such change is made, an additional notice covering it shall be given.

[§ 1358.113 amended by Am. 1, 7 F.R. 10255, effective 12-7-42; Am. 4, 8 F.R. 1974, effective 2-16-43; Am. 9, 9 F.R. 10583, effective 9-4-44; and Am. 10, 9 F.R. 13288, effective 11-13-44]

§ 1358.114 *Geographical applicability*. The provisions of this Maximum Price Regulation No. 260 shall be applicable to the forty-eight states, the District of Columbia, and the territories and possessions of the United States.

§ 1358.115 *Effective date*. This Maximum Price Regulation No. 260 (§§ 1358.101 to 1358.118, inclusive) shall

be effective as of November 1, 1942 for the District of Columbia and the forty-eight states of the United States and shall become effective November 12, 1942 for the territories and possessions of the United States. [MPR 260 originally issued November 3, 1942]

§ 1358.115a *Effective dates of amendments.*

[Effective dates of amendments are shown in notes following the parts affected]  
[§ 1358.115a added by Am. 1, 7 F.R. 10255, effective 12-7-42]

§ 1358.116 *Appendix A.*

March 1942 stated retail price	Maximum retail price	Manufacturer's and wholesaler's maximum list price
Cents		
1¢	2	\$16.00
7 for 10¢	4 for 11	22.00
3 for 5¢	3 for 10	26.65
2¢	4	32.00
2 for 5¢	5	40.00
3¢	2 for 11	44.00
3 for 10¢	6 for 35	46.65
4 for 15¢	4 for 25	50.00
4¢	2 for 13	52.00
5¢	2 for 15	60.00
6¢	9	72.00
4 for 25¢	3 for 28	74.00
3 for 20¢	10	75.00
7¢	2 for 21	78.75
2 for 15¢	11	82.00
8¢	12	90.00
3 for 25¢	2 for 25	93.75
9¢	2 for 27	101.25
10¢	2 for 29	108.75
11¢	16	123.00
12¢	2 for 35	134.00
2 for 25¢	18	138.00
13¢	19	146.00
14¢	20	154.00
15¢	22	169.00
3 for 50¢	24	185.00
17¢	2 for 49	188.00
18¢	25	192.00
3 for 55¢	26	200.00
19¢	27	208.00
20¢	28	215.00
22¢	31	238.00
2 for 45¢	2 for 63	242.00
23¢	32	245.00
25¢	2 for 65	250.00
2 for 55¢	36	277.00
30¢	39	300.00
3 for \$1.00	43	331.00
35¢	45	348.00
2 for 75¢	49	377.00
40¢	52	409.00
45¢	58	446.00
50¢	65	500.00
55¢	70	539.00
60¢	78	600.00
75¢	95	750.00

[Appendix A amended by Am. 1, 7 F.R. 10255, effective 12-7-42; and Am. 10, 9 F.R. 13288, effective 11-13-44]

§ 1358.117 *Appendix B.*

Brand	Front mark and packing	List price	Retail price
Belinda	Adonis (50)	Per \$200.00	Each \$0.23
	After dinner (25)	237.00	.33
	Americans (25)	212.50	.23
	Apollas (50)	125.00	.17
	Belinda Belindas (25)	428.00	.55
	Belinda Queens (25)	231.75	.33
	Belvedere (25)	203.75	.28
	Brevas (50)	168.00	.23
	Coronas (25)	385.00	.55
	Fancy Tales of Smoke (25)	368.00	.50
	Panetelas (50)	150.00	.20
	Perfectos (25)	240.50	.33
	Petit Coronas (25)	261.75	.33

Appendix B—Continued

Brand	Front mark and packing	List price	Retail price
Belinda—Con.	Premiers (25)	Per \$200.00	Each \$0.24
	Puritanes Finas (50)	145.00	.35
	Regalia (50)	145.00	.35
	Sabanas (50)	210.00	.35
	Scoters (25)	201.00	.35
	Symbols (25)	161.00	.35
	Americans (25)	200.00	.35
	Coronas (25)	200.00	.35
	Perfected (25)	200.00	.35
	Petit Coronas (25)	200.00	.35
Bollivar	Americans (25)	212.50	.33
	Belvedere (25)	212.50	.33
	Chicas (25)	212.50	.33
	Coronas (25)	212.50	.33
	Delights (25)	212.50	.33
	Equilites (25)	212.50	.33
	Fancy Tales (25)	212.50	.33
	Grandes (25)	212.50	.33
	Imperial (25)	212.50	.33
	Largas (10, 25, 50-5 trays)	212.50	.33
Cabanas	Number 76 (E. C. S.) (50)	212.50	.33
	Perfectos (25)	212.50	.33
	Petit Dues (50)	212.50	.33
	Premiers (25)	212.50	.33
	Premier Chica (25)	212.50	.33
	Puritanes Finas (50)	212.50	.33
	Regalia—Comme il faut (50)	212.50	.33
	Tabacos Del Almuerzo (50)	212.50	.33
	Universales (25)	212.50	.33
	Coronas (50)	212.50	.33
Cabanas E. M. S.	Elites (50)	212.50	.33
	Grandes (50)	212.50	.33
	Largas (50)	212.50	.33
	Number 76 (50)	212.50	.33
	Obsequies (50)	212.50	.33
	Premiers (50)	212.50	.33
	Americans (50)	212.50	.33
	Aquiles Imperiales (25)	212.50	.33
	Belvedere (25)	212.50	.33
	Brevas (50)	212.50	.33
Hoyo de Monterrey	Hoyo Corona Chicas (25)	212.50	.33
	Coronas (25)	212.50	.33
	Delights (25)	212.50	.33
	F. C. & G. #2 (50)	212.50	.33
	Imperial (50)	212.50	.33
	Invencibles (25)	212.50	.33
	Monteceros (individual) (50)	212.50	.33
	Obsequies (25)	212.50	.33
	Panetelas (50)	212.50	.33
	Perfectos (25)	212.50	.33
H. Upmann	Perlas (25)	212.50	.33
	Symbols (25)	212.50	.33
	After Dinner (25)	212.50	.33
	Amatistas (25)	212.50	.33
	Amatistas (glass jars) (50)	212.50	.33
	Americans (25)	212.50	.33
	Arredia (jar) (25)	212.50	.33
	Belvedere (25)	212.50	.33
	Cadets (50)	212.50	.33
	Casinos (50)	212.50	.33
La Intimada	Club Specials (25)	212.50	.33
	Coronas (25)	212.50	.33
	Coronas Major (25)	212.50	.33
	Coronas Minor (25)	212.50	.33
	Fancy Tales (25)	212.50	.33
	Magnifices (25)	212.50	.33
	Perfectos (25)	212.50	.33
	Perfectos (glass jars) (50)	212.50	.33
	Petit Coronas (25)	212.50	.33
	Petit Coronas (25)	212.50	.33
Partagas	Princes (50)	212.50	.33
	Redpencil (50)	212.50	.33
	Royal Coronas (25)	212.50	.33
	Symbols (25)	212.50	.33
	Belvedere (25)	212.50	.33
	Coronas (25)	212.50	.33
	Coronas Chicas (25)	212.50	.33
	Elites (25)	212.50	.33
	Perfectos (25)	212.50	.33
	Petit Obsequies (25)	212.50	.33
La Intimada	Selection #1 (25)	212.50	.33
	Spuyten Duyvis (50)	212.50	.33
	Waldorf (50)	212.50	.33
	Almadrantes (25)	212.50	.33
	Americans (25)	212.50	.33
	Belvedere (25)	212.50	.33
	Corona de Luxe (25)	212.50	.33
	Duke of Fife (25)	212.50	.33
	Fancy Tales of Smoke (25)	212.50	.33
	Invencibles—Superfines (25)	212.50	.33
Partagas	Invencibles—Superfines (25)	212.50	.33

Appendix B—Continued

Brand	Front mark and packing	List price	Retail price
Partagas—Con.	Louises Finas (100)	Per 1000 \$26.25	Each \$0.23
	Obsequios (25)	200.00	.43
	Palmas (25)	212.50	.33
	Palmas Chicas (25)	175.00	.33
	Panetelas (50)	135.00	.17
	Panetelas Extra (50)	174.00	.33
	Partagas (25)	212.50	.33
	Petit Coronas (25)	130.00	.27
	Puritanes Finas (50)	145.00	.33
	Symbols (25)	171.00	.33
Per Larranaga	Americans (25)	212.50	.33
	Almadrantes (25)	212.50	.33
	Belvedere (25)	212.50	.33
	Casinos (25)	212.50	.33
	Clubman (25)	212.50	.33
	Coronas (25)	212.50	.33
	Dani Tanco (50)	122.50	.33
	Elites (25)	212.50	.33
	Elites (25)	212.50	.33
	Gold Cup (50)	212.50	.33
	Invencibles (25)	212.50	.33
	Northern (25)	212.50	.33
	Northern B. N. (50)	200.00	.44
	Nuevas Belvederes (25)	105.00	.27
	Nuevas Partagas (25)	202.50	.33
	Partagas (25)	200.00	.44
	Partagas (25)	212.50	.33
	Petit Larranaga (25)	210.00	31.00
	Puritanes Finas (50)	143.00	.33
	Royal (25)	212.50	.33
Schott's Vena (25)	202.50	.33	
Symbols (50)	122.50	31.00	
Punch	Symbols (25)	202.50	.33
	Almadrantes (25)	310.00	.42
	Belvedere (25)	169.00	.33
	Invencibles (25)	270.00	31.00
	Invencibles (25)	200.00	.42
	Northern B. N. (50)	200.00	.33
	Partagas (25)	210.00	.33
	Partagas (25)	200.00	.33
	Symbols (25)	212.50	.33
	Americans (25)	149.00	31.55
Romeo and Juliet.	Apollon (50)	203.00	.33
	Belvedere (25)	425.00	.57
	Casinos (25)	507.00	.57
	Casinos B. N. (25)	642.00	.60
	Club Specials (25)	310.00	.42
	Corona de Luxe (25)	335.00	.57
	Corona de Luxe B. N. (50)	420.00	.55
	Corona de Luxe (50)	214.00	.23
	Delicias (25)	210.00	.33
	Elites (25)	155.00	.20
	Elites (25)	192.50	.33
	Elites (25)	135.00	.18
	Partagas (50)	203.00	.33
	Partagas (25)	212.50	.33
	Petit Coronation de Luxe (25)	207.50	.33
Romeo Allende	Royal (25)	142.00	31.55
	Princes (25)	275.25	.33
	Romeo Lopez (25)	430.00	.69
	Tobacco Del Alma (50)	232.00	.27
	Americans (25)	212.50	.33
	Alma B. N. (50)	233.75	.33
	Alma B. N. (25)	125.00	.30
	Belvedere (25)	203.00	.33
	Club Caballero B. N. (100)	270.00	.35
	Coronas (25)	335.00	.60
	Coronas Lopez (25)	410.00	.60
	Delicias (25)	210.00	.33
	Dani Tanco (50)	122.50	31.00
	Elites (25)	203.00	.33
	Grownos de Luxe #1 (25)	419.00	.55
Grownos de Luxe #2 (25)	370.00	.59	
Grownos de Luxe #3 (25)	213.75	.33	
Grownos de Luxe #4 (25)	214.50	.23	
Migra (25)	103.25	.22	
No. 70 (50)	222.50	.33	
Obsequios (25)	200.00	.44	
Petit Coronas (25)	171.00	.33	
Petit Obsequios (25)	212.00	.22	
Premiere (25)	401.25	.60	
Prince's Stock #1 (25)	313.50	.33	
Prince's Stock #2 (25)	202.50	.33	
Real Partagas (25)	212.50	.33	
Trampe (25) & B. N. (50)	214.00	31.00	
White Ash #1 (25)	202.50	.33	



**§ 1358.117a Appendix C.**

OPA Form 635-1065 Form approved Budget Bureau No. 08-44125  
(8-44)

UNITED STATES OF AMERICA  
OFFICE OF PRICE ADMINISTRATION  
WASHINGTON 25, D. C.

### DETERMINATION OF MAXIMUM PRICES FOR IMPORTED CIGARS

Name of importer		Check one: <input type="checkbox"/> Wholesale <input type="checkbox"/> Retail
Address—Number and street		City, postal zone number, State
Name of manufacturer		Brand of imported cigars
Address		
Discount allowed to wholesaler	If the sizes of this brand of cigars were not imported and sold by you during March 1912, give the date of your first importation..... 191..	
%	Send at least one cigar of each size and front mark listed below.	

[illegible]

\*See Maximum Price Regulation No. 260, § 1358.117a, Appendix B, for comparable imported cigar brand and front mark.

Name of person furnishing above information	Title	Date
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[§ 1358.117a added by Am. 9, 9 F.R. 10583, effective 9-4-44]

§ 1358.117b *Appendix D.*

OPA Form 635-2078  
(10-44)

FORM APPROVED  
BUDGET BUREAU NO. 08-R1236

UNITED STATES OF AMERICA  
OFFICE OF PRICE ADMINISTRATION  
WASHINGTON 25, D. C.

**DETERMINATION OF MAXIMUM LIST PRICE AND MAXIMUM RETAIL PRICE  
FOR A NEW DOMESTIC CIGAR**

Name of manufacturer		
Address—Number and street		
City, postal zone number, state		
Brand of new domestic cigar		
Size or front mark		
Proposed maximum list price	Wholesale discounts	Proposed maximum retail price

Length of cigar ..... inches. Diameter of cigar ..... (ring gauge) (inches). Average weight per 100 cigars..... ounces.

Schedule A				
	U. S. agricul- ture type number	Grade or mark	Pounds required to manufacture 1,000 cigars	Kind of weight
Wrappers				
Binders				
Fillers Indicate long filler as "L" short filler as "S" in col- umn at right				

**Do not use  
these spaces**

[illegible]

<sup>c</sup> Value of tobacco by-products (cuttings, clippings, etc.) per 1,000 cigars.

Schedule B

Item number	Manufacturing costs and expenses	Cost per 100 cigars
1.....	Labor-hand cigar rolling	
2.....	Labor-hand cigar bunching	
3.....	Wrapper selecting	
4.....	Labor-cigar machine operators	
5.....	Labor bonus	
6.....	Machinists and oilers	
7.....	Machine repairs	
8.....	Cigar machine rental or royalty	
9.....	Power	
10.....	Casing	
11.....	Tobacco conditioning	
12.....	Drying	
13.....	Stemming	
14.....	Depreciation (cigar making and stemming equipment)	
15.....	Cigar making overhead	
16.....	Cigar making expense	
17.....	Loose cigar manufacturing cost (total of items 1 through 16)	
18.....	Labor-cigar packing	
19.....	Bands	
20.....	Cellophane	
21.....	Other packing material (describe)	
22.....	Labor-banding and cellophaning	
23.....	Depreciation on packing equipment	
24.....	Cigar boxes	
25.....	Labels	
26.....	Wrapping materials	
27.....	Packing overhead	
28.....	Packing expense	
29.....	Packed cigar manufacturing cost (total of items 17 through 28)	
30.....	Officers salaries	
31.....	Clerical salaries—general office	
32.....	General office expense	
33.....	Manufacturing and administration cost (total of items 29 through 32)	
34.....	Shipping materials	
35.....	Shipping labor	
36.....	Freight—out-bound	
37.....	Advertising	
38.....	Salesmen's salaries and commissions	
39.....	Other selling expense (describe)	
40.....	Cost before revenue (less tobacco cost) (total of items 33 through 39)	
41.....	Internal revenue stamps	
42.....	Total cost (less tobacco cost) (total of items 40 and 41)	

Signature of person submitting information	Title or position	Date submitted
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(See instructions on reverse side of this form)

(Reverse side)

## INSTRUCTIONS FOR USE OF OPA FORM 635-2078

(This form is to be filed in duplicate)

1. Complete a separate form for each brand and size or frontmark of cigar for which maximum prices are sought. Do not use

No. 230—4

blank spaces at the right of columns in Schedules A and B.

2. In the box at the upper right hand corner of the form, state the name of the manufacturer as registered with the Bureau of Internal Revenue and the address of his principal place of business. State also the brand name and the size or frontmark of

the cigar exactly as they will appear on it when it is offered for sale at retail, the maximum list price and the maximum retail price proposed by the manufacturer and the discounts to be applicable to his sales to wholesalers.

3. State the length, diameter and weight of the cigar for which prices are sought in spaces provided for that purpose. Strike out whichever term (ring-gauge or inches) is not applicable to the figure stated as the diameter of the cigar. In stating weight per hundred cigars, give the loose cigar weight without including packing materials or wrappings to be added.

4. *Schedule A.* In column headed "U. S. Agriculture Type Number," state the types of each kind of tobacco to be used in the manufacture of the cigar. In the column headed "Grade or Mark," state the term (such as L, LV, Primer, Light Wrappers, No. 2 Second, Darko, B's, etc.), generally used in the industry to indicate the particular grade of these types of tobacco. For tobacco not graded, the terms "Ungraded," "Bundle," "Unassorted," "String," etc., applicable to the particular type of tobacco should be stated.

Tobacco weights furnished should be weights per thousand cigars. In column headed "Kind of Weight," state whether the weights given in the preceding column are Actual Unstemmed Weights (Unstd. A. W.) or Marked Weights (M. W.) or Stemmed Weights (S. W.). If your records supply actual unstemmed or stemmed weights of the tobacco, state weights in one of these terms.

In column headed "Fillers" be sure to indicate whether fillers to be used are long or short fillers.

Be sure that Schedule A contains a complete and accurate description of tobaccos.

Do not give your costs for the tobaccos to be used.

5. *Schedule B.* Not all items of cost and expense for which space is provided in Schedule B will apply in every instance. Complete that Schedule only to the extent that the listed cost items apply to the cigar for which maximum prices are sought. Give the known or accurately estimated costs you will experience in the manufacture and marketing of the cigar. Indicate the figures that are estimates by making "EST." opposite them. Unless costs are indicated to be estimates, it will be assumed that your records show the figures used for them to be accurate.

*Item 15.* Include on this line the amount per thousand cigars for costs such as the following: Superintendent's and foreman's salaries applicable to cigar making, stemming, casing, conditioning and drying; stockmen's wages applicable to making, stemming, casing, weighing and conditioning; wages of factory clerical employees, janitors, nurses, elevator operators, firemen, plant engineer, watchmen, maintenance employees (carpenters, electricians, etc.).

*Item 16.* Include on this line the amount per thousand cigars for costs such as the following: Alterations and repairs, fuel, inbound freight, insurance, lubricants, gums, maintenance materials, tools and factory supplies, light, water, rent, Social Security and Unemployment taxes, and other taxes (excluding, however, Federal and state income taxes).

*Item 27.* Include on this line the amount per thousand cigars for costs such as the following: Salaries of packing foremen and inspectors, packing room stockmen, laborers and stamper.

*Item 28.* Include on this line the amount per thousand cigars for costs such as the following: Nails, tacks, pastes and glues, and auxiliary packing materials.

**NOTE:** The person signing this form must be either the manufacturer or his authorized officer, member or agent.

§ 1358.117c Appendix E.

[illegible]

**Calculation of average retail price ceiling:.....** Divided by..... Equals.....Average retail price ceiling per cigar,  
(Total of column 6) (Total of column 6) (Total of column 6)

(See instructions on back of this form)

**(Reverse Side)**

INSTRUCTIONS FOR USE OF OPA FORM 635-2077

(This form is to be filed in duplicate)

1. In Columns 1 and 2 list the brands and sizes or frontmarks of all domestic cigars you manufactured and sold in March 1943 through January 1, 1943 through June 30, 1943. Do not include any brands and sizes or frontmarks unless the cigars you sold under them

4. In Column 5 enter the number of cigars of each brand and size or frontmark listed in Columns 1 and 2 which you sold *tax paid*

from January 1, 1943 through June 30, 1943. Do not include the number of cigars sold *tax free*. Generally, a sale is to be considered made in the January 1-June 30, 1943 period if the purchaser took title to the cigars between those dates.

5. In Column 6 enter the figure obtained by multiplying the maximum retail price (Column 4) of each brand and size or front-mark by the number of those cigars sold (Column 5).

6. Then determine your average retail price ceiling by dividing the total of Column 6

**§ 1358.117d Appendix F.**

by the total of Column 5. Show this computation in the space at the bottom of the form. Carry your figures to four decimal places and drop any additional fraction.

**NOTE: The person signing this form must be either the manufacturer or his authorized officer, member or agent.**

If this form does not provide sufficient space, use additional forms or attach a separate sheet. However, make only one computation of your average retail price ceiling and put that on the first form.

[illegible]

Calculation of weighted average retail price:  $\frac{\text{weighted average retail price per clear equals (Total of Column 5)}}{\text{(Total of Column 4)}}$  divided by

(See Instructions on back of this Form)

(Reverse Side)

## INSTRUCTIONS FOR USE OF OPA FORM 635-2076

(This form is to be filed in duplicate)

1. This report must be filed April 15, 1945 and every three months thereafter.

2. In Columns 1 and 2 list all brands and sizes or frontmarks of domestic cigars you manufactured and sold during the three calendar months for which the report is made.

3. In Column 3 enter the retail price per cigar you have established for each brand and size or frontmark listed in Columns 1 and 2.

4. In Column 4 enter the number of cigars of each brand and size or frontmark listed in Columns 1 and 2 you sold *tax paid* during the three calendar months for which the report is made. Do not include the number of cigars sold *tax free*. Generally, a sale is to be considered made in the period if the purchaser took title to the cigars during it.

5. In Column 5 enter the figure obtained by multiplying the established retail price (Column 3) of each brand and size or frontmark by the number of those cigars (Column 4) sold during the period for which the report is made.

6. Then determine the weighted average retail price for your sales by dividing the total of Column 5 by the total of Column 4. Show this computation in the space at the bottom of the form. Carry your figures to four decimal places and drop any additional fraction.

NOTE: The person signing this form must be either the manufacturer or his authorized officer, member or agent.

If this form does not provide sufficient space, use additional forms or attach a separate sheet. However, make only one computation of your weighted average retail price and put that on the first form.

## § 1358.117e Appendix G.

Column 1—Internal Revenue collection district	Column 2—Average retail price (per cigar)
Alabama	00.0775
Arkansas	00.0775
1st California	00.1098
6th California	00.1098
Colorado	00.0775
Connecticut	00.0865
Delaware	00.0775
Florida	00.1107
Georgia	00.0775
Idaho	00.0775
1st Illinois	00.0829
8th Illinois	00.0775
Indiana	00.0775
Iowa	00.0775
Kansas	00.0775
Kentucky	00.0775
Louisiana	00.0775
Maine	00.0724
Maryland	00.0775
Massachusetts	00.0724
Michigan	00.0829
Minnesota	00.0829
1st Missouri	00.0775
6th Missouri	00.0775
Montana	00.0775
Nebraska	00.0775
New Hampshire	00.0724
1st New Jersey	00.0775
5th New Jersey	00.0865
1st New York	00.0865
2nd New York	00.0865
3rd New York	00.0865
14th New York	00.0865
21st New York	00.0865
28th New York	00.0775
North Carolina	00.0775
North Dakota	00.0775
1st Ohio	00.0775
10th Ohio	00.0775

Column 1—Internal Revenue collection district	Column 2—Average retail price (per cigar)
11th Ohio	00.0363
18th Ohio	00.0583
Oregon	00.1030
1st Pennsylvania	00.0775
12th Pennsylvania	00.0775
23rd Pennsylvania	00.0583
Rhode Island	00.0724
South Carolina	00.0775
South Dakota	00.0775
Tennessee	00.0775
1st Texas	00.0775
2nd Texas	00.0775
Utah	00.0775
Virginia	00.0775
Washington	00.0775
West Virginia	00.0583
Wisconsin	00.0329

NOTE: If the manufacturer manufactures domestic cigars in a factory located in a collection district other than those listed in this column, his average retail price ceiling is to be determined under § 1358.102 (d).

[Appendix G amended by Am. 14, 10 F.R. 11750, effective 9-24-45]

[§§ 1358.117b, 1358.117c, 1358.117d, and 1358.117e added by Am. 10, 9 F.R. 13223, effective 11-13-44]

§ 1358.118 [Revoked].

[§ 1358.118 added by Am. 2, 7 F.R. 10475, effective 12-12-42; amended by Am. 6, 8 F.R. 4476, effective 4-10-43; revoked by Am. 10, 9 F.R. 13233, effective 11-13-44]

NOTE: All record keeping and reporting requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21148; Filed, Nov. 21, 1945; 4:14 p. m.]

## PART 1305—ADMINISTRATION

[EO 140]

## CIVILIAN PRODUCTION OF CERTAIN MILITARY FABRICS

A statement of the considerations involved in the issuance of this supplementary order has been issued simultaneously herewith and filed with the Division of the Federal Register.

Sec.

1. What this order does.
2. To what fabrics this order applies.
3. Pricing method.
4. Duration of this order.
5. Reports.

AUTHORITY: § 1305.167 issued under 56 Stat. 23, 765; 56 Stat. 566; Pub. Law 363, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 8259, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9593, 10 F.R. 10155.

SECTION 1. *What this order does.* This supplementary order establishes maximum prices for producers' civilian sales of certain military fabrics when produced without reference to any military contract.

SEC. 2. *To what fabrics this order applies.* This supplementary order applies only to fabrics of constructions (and

pro-rata widths thereof) previously or currently made by the seller pursuant to military contracts. Subject to this limitation, the fabrics to which this order applies are those for which the maximum price would otherwise be determined by the General Maximum Price Regulation,<sup>1</sup> or by Table III of Maximum Price Regulation No. 11;<sup>2</sup> fabrics for which a special military premium has been permissible under § 1316.61 (c) (1) or established by order pursuant to § 1316.61 (c) (3) of Revised Price Schedule No. 35;<sup>3</sup> and finished fabrics made from any of the foregoing grey fabrics.

SEC. 3. *Pricing method.* The maximum price of fabrics to which this order applies shall be determined as if the fabrics constituted contractor inventory and were subject to Order No. 1 under Supplementary Order No. 130.<sup>4</sup>

SEC. 4. *Duration of this order.* This supplementary order shall apply only to grey goods produced prior to February 1, 1946 and to finished goods made from such grey goods and delivered within 6-weeks thereafter.

SEC. 5. *Reports.* Every manufacturer shall on or before December 6, 1945 file a report with the Office of Price Administration, Washington, D. C., stating his name and address and the grey fabrics (described as to whether combed or carded, and by width, weight, thread count, weave and fabric name) which are or will be subject to this order and which were produced by him during October 1945 or which may be produced by him prior to February 1, 1946.

This order shall become effective as of September 6, 1945.

NOTE: All reporting requirements of this supplementary order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21153; Filed, Nov. 21, 1945; 4:16 p. m.]

## PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 14, Revocation]

## SHORTENING IN PUERTO RICO

A rationale accompanying this revocation order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Restriction Order 14 (§ 1407.305) is hereby revoked, except that any violation which occurred or rights or liabilities which arose before the effective date of this order of revocation shall be governed by the order in effect at the time the violation occurred or the rights or liabilities arose.

<sup>1</sup> 8 F.R. 6307, 6362, 14765, 15526; 9 F.R. 579, 4239, 6238, 6317, 12132; 10 F.R. 2310.

<sup>2</sup> 9 F.R. 2561, 3577, 4879, 5162, 11531, 12320, 13059, 14859; 10 F.R. 1141, 3630, 6307, 8377.

<sup>3</sup> 8 F.R. 1863, 6306, 15906, 16744; 9 F.R. 2720, 2237, 2477, 2780, 3333, 7700, 9278, 9339, 10333, 10321; 10 F.R. 3676, 8123, 8669, 10233.

<sup>4</sup> 10 F.R. 11543.

This order of revocation shall become effective as of November 19, 1945.

Issued this 15th day of November 1945.

SAM GILSTRAP,  
Territorial Director for  
Puerto Rico.

Approved:

JAMES P. DAVIS,  
Regional Administrator,  
Region IX.

[F. R. Doc. 45-21156; Filed, Nov. 21, 1945;  
4:15 p. m.]

#### PART 1367—FERTILIZERS

[2d Rev. MPR 135, as Amended,<sup>1</sup> incl. Amdts.  
1-4]

#### RETAIL PRICES OF FERTILIZERS AND MATERIALS

This compilation of Second Revised Maximum Price Regulation 135, as amended, includes Amendment 4, effective November 26, 1945. The text amended by Amendment 4 is underscored. Additions, revocations and deletions are indicated by notes.

This revised regulation now covers not only mixed fertilizer, superphosphate and potash which were covered by Second Revised Maximum Price Regulation 135 but also supersedes Revised Maximum Price Regulation 108<sup>2</sup> (Nitrogenous Fertilizer materials) which formerly covered sales of nitrogenous fertilizer material to consumers.

In the judgment of the Price Administrator, the maximum prices established by this revised regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry affected by this regulation.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the fertilizer industry or have previously been promulgated and their use lawfully required by another government agency.

A statement of the considerations involved in the issuance of this Second Revised Maximum Price Regulation 135, as amended, has been issued simultaneously herewith and filed with the Division of the Federal Register.<sup>3</sup>

Sec.

1. Applicability.
2. Sales at other than maximum prices.
3. Evasion.
4. Records and reports.
5. Enforcement.
6. Licensing.
7. Protests and petitions for amendment.
8. Definitions.
9. Maximum prices of mixed fertilizer, superphosphate, potash and nitrogenous fertilizer materials.
10. Export sales.

<sup>1</sup> 9 F.R. 13974.

<sup>2</sup> Revoked: 9 F.R. 9054.

<sup>3</sup> Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

Appendix A—Maximum prices for mixed fertilizer, superphosphate, potash and nitrogenous fertilizer materials.

Schedule A—For consumers located in Maine (Aroostook County and the sections of Penobscot and Washington Counties lying north and west of Millinocket and Danforth).

Schedule B—For consumers located in New England (except the part of Maine in Schedule A).

Schedule C—For consumers located in New York and New Jersey.

Schedule D—For consumers located in Pennsylvania.

Schedule E—For consumers located in Delaware, Maryland and the District of Columbia.

Schedule F—For consumers located in West Virginia (counties north of and including Mason, Jackson, Roane, Webster, Randolph, Pendleton and the part of Nicholas County served by the Baltimore and Ohio Railroad).

Schedule G—For consumers located in West Virginia (except counties in Schedule F), Virginia, North Carolina, South Carolina and Georgia.

Schedule H—For consumers located in Florida (east of the Apalachicola River).

Schedule I—For consumers located in Alabama and Florida (west of the Apalachicola River).

Schedule J—For consumers located in Mississippi and Louisiana (east of the Mississippi River).

Schedule K—For consumers located in Louisiana (west of the Mississippi River), Arkansas, Texas, New Mexico and Oklahoma (except counties of Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Osage, Washington, Nowata, Craig, Ottawa, and Delaware. These counties take Kansas prices and terms in Schedule N).

Schedule L—For consumers located in Tennessee.

Schedule M—For consumers located in Kentucky.

Schedule N—For consumers located in Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, Missouri, Minnesota, Nebraska, Kansas, North Dakota, South Dakota and Oklahoma (counties excepted in Schedule K).

Schedule O—For consumers located in Wyoming, Colorado, Utah, Montana, Idaho, and Nevada.

Schedule P—For consumers located in Oregon and Washington.

Schedule Q—For consumers located in California.

Schedule R—For consumers located in Arizona.

AUTHORITY: § 1367.31, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155.

**SECTION 1. Applicability—(a) In general.** Except as provided in paragraphs (b) and (c) of this section, this revised regulation shall apply to all sales to consumers and dealers of domestic and imported mixed fertilizer, superphosphate (but not bone meal), potash and nitrogenous fertilizer materials (except natural organic nitrogen materials not specifically priced in the regulation), when sold as an aid to the growth of crops or plants, whether sold for immediate or future delivery, within the District of

Columbia and the 48 states of the United States. Bone meal and the natural organic nitrogen materials not specifically priced in this regulation shall remain subject to the provisions of the General Maximum Price Regulation or such other regulation as may establish the maximum price for such material, regardless of its intended use.

[Paragraph (a) amended by Am. 2, 9 F.R. 13974, effective 11-28-45; Am. 3, 10 F.R. 1402, effective 2-6-45, and Am. 4, effective 11-26-45.]

(b) **Emergency purchases.** This regulation shall have no application to any purchase by the United States or any of its agencies under such circumstances of emergency as to make immediate delivery imperative, and as to render it impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable, if such purchases and deliveries are made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation No. 1 to the General Maximum Price Regulation, as amended: *Provided, however,* That the Administrator may, by order, waive the reporting of any part of the information required by section 4.3 (f) in connection with a particular purchase or group of purchases upon determining that such information may not reasonably be required under all the circumstances, and he may, in lieu thereof, require the reporting of other information more suited to the circumstances.

(c) **Certain fertilizers exempted.** This regulation shall have no application to sales and deliveries of any kind of mixed fertilizer, superphosphate, potash or nitrogenous material:

(1) In tablet, capsule, liquid or gaseous form for use by consumers as such, or

(2) In granular form in packages of less than 80 pounds net weight, or

(3) In granular form in a container of any size if such container or a tag attached thereto clearly states that such fertilizer was manufactured and is offered to consumers for use on lawns, parks, golf courses, cemeteries, roadsides, flowers, bulbs, shrubs, gardens or ornamental trees or plants rather than for use on commercial field crops.

[Paragraph (c) amended by Am. 4, effective 11-26-45]

**Sec. 2. Sales at other than maximum prices—(a) Prohibition.** Regardless of any contract or obligation, no person shall sell or deliver to a consumer or dealer and no consumer or dealer, in the course of trade or business, shall buy or receive any of the products covered by this revised regulation at a price above the maximum price established by this revised regulation for such consumer or dealer, nor shall any person agree, solicit, offer, or attempt to do any of the foregoing.

[Last sentence revoked by Am. 4, effective 11-26-45]



[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702, 9521) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

(b) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended. The authorization may be given by an order of the Administrator or of any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

[NOTE: Procedural Regulation No. 6 (9 F.R. 10528; 10 F.R. 1382, 9394) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175; 10 F.R. 9394) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619; 8 F.R. 7256) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

(c) *Lower prices.* Prices lower than the maximum prices established by this regulation may, of course, be charged or paid.

**Sec. 3. Evasion.** Any method whereby a seller obtains greater consideration than the maximum price, or whereby he gives less than the consideration due the buyer for the maximum price is an evasion of this regulation, and therefore prohibited; and any offer or agreement which accomplishes or attempts such a result is equally prohibited.

**Sec. 4. Records and reports.** (a) Every person making a sale of mixed fertilizer, superphosphate, potash or nitrogenous fertilizer material in quantities of 250 pounds or more, to a consumer, after August 1, 1944, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, his customary complete and accurate records of each sale, showing

the date thereof, the name and address of the buyer, of the person making the sale, and of the manufacturer of the mixed fertilizer, superphosphate, potash or nitrogenous fertilizer material; the quantity, grade and kind of the mixed fertilizer, superphosphate, or potash or nitrogenous fertilizer material sold; the bags or containers in which delivered; the price charged or received therefor; the terms of payment (time, cash, discounts, etc.); and the method and conditions of delivery.

(b) (1) Every manufacturer of mixed fertilizer, superphosphate, potash or nitrogenous fertilizer materials who is engaged in the business of selling the same to consumers and dealers, whether by or through any agent or other person may file with the appropriate regional office of the Office of Price Administration three copies of any written or printed price list, whether temporary or permanent, issued by him in connection with the sale thereof to consumers and dealers. Such price lists shall set forth clearly the grade and kind of mixed fertilizer, superphosphate, potash or nitrogenous material offered for sale and also the kind and amount of special ingredients, if any, contained therein and the size and kind of bags used.

(2) Upon request addressed to the District Offices of the Office of Price Administration, copies of this revised regulation will be furnished each manufacturer or dealer.

(3) Each dealer or agent shall post at his place of business a list of his consumers' maximum prices.

(4) Each manufacturer selling direct to consumers shall post at his office, plant and warehouse his consumers price list in effect for the area served by each such office, plant or warehouse.

(c) Persons affected by this revised regulation shall submit such other information to the Office of Price Administration as it may, from time to time require, subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

**Sec. 5. Enforcement.** Persons violating any provision of this revised regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages and criminal penalties, provided in the Emergency Price Control Act of 1942, as amended.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

**Sec. 6. Licensing.** The provisions of Licensing Order No. 1,<sup>4</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this revised regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

<sup>4</sup> 8 F.R. 13240.

**Sec. 7. Protests and petitions for amendment.** Any person desiring to file a protest against or seeking an amendment of any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1,<sup>5</sup> issued by the Office of Price Administration.

**Sec. 8. Definitions.** When used in this regulation, the term:

(a) "Person" includes an individual, corporation, partnership, association, or other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof or any other government or any of its political subdivisions or any agency of any of the foregoing.

(b) "Manufacturer" means a person who produces, mixes or processes, or who markets for his own account and under his own brand or trade name, mixed fertilizer, superphosphate, potash or nitrogenous material for use as an aid to the growth of crops or plants.

(c) "Dealer" means a person, other than a manufacturer, who purchases mixed fertilizer, superphosphate, potash or nitrogenous materials and resells it to another dealer or to a consumer. The resale of fertilizer by a landlord to his tenant is considered a sale to a consumer.

[Paragraph (c) amended by Am. 2, 9 F.R. 13374, effective 11-23-44.]

(d) "Consumer" means a person purchasing mixed fertilizer, superphosphate, potash or nitrogenous material for use in aiding the growth of crops or plants (and not for resale) including the Agricultural Adjustment Agency when purchasing superphosphate from non-producers.

(e) "Mixed fertilizer" means any substance containing any two or more, of potash, superphosphate and nitrogenous material, when marketed or sold as an aid to the growth of crops or plants.

(f) "Superphosphate" means any product which is obtained by mixing rock phosphate with either sulphuric acid or phosphoric acid or with both acids, when marketed or sold as an aid to the growth of crops or plants.

(g) "Potash" means muriate, chloride or sulphate of potash, manure salts and any other substance containing potassium oxide (K<sub>2</sub>O), when marketed or sold as an aid to the growth of crops or plants.

(h) "Nitrogenous material" means any organic or inorganic substance containing nitrogen, when marketed or sold as an aid to the growth of crops or plants.

(i) "Natural organic nitrogen material" means a fertilizer material of vegetable or animal origin containing nitrogen, including, but not limited to, animal, fish and other tankages, castor pomace, tobacco stems, cotton seed meal, peanut meal, soybean meal, sewage sludge and cocoa shell meal.

(j) "Grade" means the minimum guarantee of the plant food content of mixed fertilizer, superphosphate, potash or nitrogenous material, expressed in terms of nitrogen, available phosphoric acid and water-soluble potash, e. g. 4-12-4, 0-14-7, 0-20-0, 0-0-50, 16-0-0.

<sup>5</sup> 9 F.R. 10376, 13715; 10 F.R. 11235.

(k) "Kind" as distinguished from the term "grade" refers only to mixed fertilizer and means the substances, and the proportions thereof, containing the guaranteed plant food content of mixed fertilizer—as for example, in the case of nitrogenous material, 30% water-soluble and 20% water-insoluble nitrogen; or in the case of potash, 75% sulphate of potash and 25% muriate of potash.

(l) "Price list" means any price statement, irrespective of form, issued or used by the seller, setting forth the prices, grades, kinds, terms of payment, types of containers or bags, method and conditions of delivery and any other provisions relating to sales of the commodities being priced.

(m) "Spring season" means the fertilizer selling season from December 1 of any calendar year to and including June 30 of the next succeeding calendar year.

(n) "Fall season" means the fertilizer selling season from July 1 to November 30, inclusive, of any calendar year.

(o) "Premium brand" means a kind and grade of mixed fertilizer or superphosphate which during the period February 16-20, 1942, was listed by the manufacturer of the premium brand at an additional price above the price of a similar regular grade of mixed fertilizer or superphosphate manufactured and listed by him.

(p) "Transportation cost" means the cost of transportation actually incurred, except that for movement other than by for-hire carrier, the transportation cost shall be the reasonable value of the service, not exceeding any maximum price established therefor.

(q) "Carload lot" means a shipment of any quantity which moves as a rail carload under Office of Defense Transportation or tariff requirements.

(r) "Unit" means 1% of a ton, or 20 pounds.

(s) "Ton" means 2,000 pounds net weight.

[Former paragraphs (o) and (p) revoked, and former paragraphs (q), (r), (s), (t) and (u) redesignated as (o), (p), (q), (r) and (s) by Am. 4, effective 11-26-45]

**Sec. 9. Maximum prices of mixed fertilizer, superphosphate, potash and nitrogenous fertilizer materials.** (a) The maximum prices at which sales and deliveries of mixed fertilizer, superphosphate, potash and nitrogenous fertilizer materials may be made to consumers shall be the prices established under the provisions of Appendix A.

[Section heading and paragraph (a) amended by Am. 4, effective 11-26-45]

(b) For sales of the above products to dealers in any area the maximum price shall be the consumer price for the area as provided in Appendix A less the margin most commonly established by the seller between consumer prices and dealer prices during March of 1942, expressed either as a percentage of the consumer price or as a dollar-and-cent margin, or both, depending upon how such margin was calculated in March of 1942.

A seller who had established no margin by sales during March of 1942 shall allow for sales to dealers the margin below maximum prices to consumers established by his most closely competitive seller. If the product was not generally sold during March of 1942, the margin shall be the same as that established for the most nearly comparable product which was sold during March of 1942.

[Section 9 amended by Am. 2, 9 F.R. 13974, effective 11-28-44 and as otherwise noted]

**Sec. 10. Export sales.** (a) Except as hereinafter provided, this regulation shall have no application to export sales of mixed fertilizers or fertilizer materials covered herein. The maximum prices for such sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.\*

(b) *Base prices.* For the purposes of the Second Revised Maximum Export Price Regulation, the maximum domestic base prices for mixed fertilizers, f. o. b. ports, shall be determined by adding to the appropriate price in subparagraph (a) of the schedules under Appendix A of this Second Revised Maximum Price Regulation 135 any applicable extra charges permitted in Appendix A (b) (2) and deducting from such prices as so adjusted the appropriate amounts set forth in subparagraphs (1) and (2) below:

(1) *Schedule of deductions.*

**Export Ports and Schedules:**

Searsport, Maine—B I.....	\$5.00
North Weymouth, Mass.—B II.....	5.00
Carteret, N. J.—C I.....	2.75
Philadelphia, Pa.—D I.....	3.00
Baltimore, Md.—G II.....	3.75
Norfolk, Va.—G II.....	3.75
Wilmington, N. C.—G III.....	3.75
Charleston, S. C.—G IV.....	3.75
Savannah, Ga.—G IV.....	3.75
Jacksonville, Fla.—H.....	5.25
Tampa, Fla.—H.....	5.25
Pensacola, Fla.—I.....	2.50
Mobile, Ala.—I.....	2.50
Guifport, Miss.—J.....	2.25
New Orleans, La.—K I.....	3.00
Houston, Tex.—K I.....	2.50
Los Angeles, Calif.—Q I.....	1.50
San Francisco, Calif.—Q I.....	1.50

(2) *Marginal discounts.* The marginal discounts established by section 9 shall be applicable to the class of buyer to whom the sale is made.

[Sec. 10 amended by Am. 4, effective 11-26-45]

**APPENDIX A—MAXIMUM PRICES OF MIXED FERTILIZER, SUPERPHOSPHATE, POTASH AND NITROGENOUS FERTILIZER MATERIAL**

*General Provisions—(a) Pricing other grades of mixed fertilizer, superphosphate,*

\* 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9835, 11273, 12919, 14438; 10 F.R. 863, 923, 2432, 6590, 8746, 8611, 9586, 10029.

*potash and nitrogenous materials.* The base price for grades and kinds of mixed fertilizer, superphosphate, potash and nitrogenous material not priced in the tables in Schedules A to E inclusive shall be determined by the Office of Price Administration. Anyone, requesting a base price for a grade, shall file with the Office of Price Administration in Washington, D. C., an application setting forth the analysis in percentages of nitrogen, available phosphoric acid and water-soluble potash. The Office of Price Administration will promptly establish a base price for such grade and inform the applicant of such price. This base price shall be subject to adjustment by the Office of Price Administration at any time.

[Appendix heading and paragraph (a) amended by Am. 4, effective 11-26-45]

(b) To the base prices for mixed fertilizer, superphosphate or potash set forth in the schedules of this appendix, or arrived at in the manner provided for in paragraph (a) above, the following additions may be and the following deductions must be made before making any appropriate additions or deductions for discounts, delivery differentials, etc.:

(1) *Premium brands.* There may be added differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(2) *Special ingredients in other than premium brands.* An extra charge for specified quantities of the following ingredients may be added, (except in the case of schedules H, O, P, Q and R, which contain express provisions for such ingredients).

	Per unit
Sulphate of potash.....	\$0.40
Magnesium oxide from sulphate of potash-magnesia, sea water magnesium or similar source.....	1.00
Potash from cotton hulls or boll ashes.....	.25
Nitrogen.....	.30
	Per pound
Copper sulphate.....	\$0.10
Manganese sulphate.....	.05
Borax.....	.05
Elemental sulphur.....	.035
Iron sulphate.....	.04
Zinc sulphate.....	.10

	Per hundred pounds
Ground tobacco stems:.....	
In complete mixed fertilizer.....	\$0.30
In phosphate-potash mixtures.....	.50
In superphosphate.....	1.00

\* Except for Schedules G, I, J and L where it is \$0.30 per unit.

\* Applicable only to tobacco grades in Schedule B.

\* Applicable only to tobacco grades in Schedules D, E and F.

\* Applicable only in Schedules M and N.

(3) (1) *Bag differentials.* Except for nitrogenous materials, there may be added the following amounts per ton for textile bags:

	Schedules A, G, I, J, K and L	All other schedules
For 167- or 200-pound bags.....	\$1.25	\$1.35
For 125-pound bags.....	1.50	1.70
For 100-pound bags.....	1.80	2.00
For barrels.....	6.00	6.00

(1) *Bulk deliveries.* There shall be deducted \$1.50 per ton on deliveries in bulk.

(c) In any schedule of Appendix A which establishes prices on a delivered basis but which also provides a method for establishing a maximum price for sales f. o. b. the seller's place of business, the f. o. b. price plus the actual transportation cost must not exceed the delivered price as specified in the

applicable schedule. This shall not apply in the case of a consumer taking delivery in his own truck or arranging for the transportation on his own account.

[Paragraph (c), formerly (d) added by Am. 2, 9 F.R. 13974, effective 11-28-44 and redesignated by Am. 4, effective 11-26-45. Former paragraph (c) revoked by Am. 4]

(d) Upon certification by the Secretary of Agriculture that there exists or threatens to exist a shortage of mixed fertilizers, superphosphates, potash or nitrogenous materials within any area and that this shortage may be relieved by shipment of goods from another area without jeopardizing supplies of such goods in the latter area, the Office of Price Administration may, upon application, except such sales from the provisions of the applicable schedule and establish maximum prices therefor which will provide, in specific instances, for such unusual movements, requiring the seller to certify on the invoice the point of origin of the goods and that the sale is in accord with the provisions of the applicable order.

Such application shall be filed with the Cereals, Feeds and Agricultural Chemicals Branch of the Office of Price Administration in Washington, D. C.

[New paragraph (d) added by Am. 4, effective 11-26-45]

#### SCHEDULE A—FOR CONSUMERS LOCATED IN MAINE

(Aroostook County and the sections of Penobscot and Washington Counties lying north and west of Millinocket and Danforth)

(a) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

Grade:	Price per ton
10-10-10	\$58.20
8-24-8	65.80
8-16-16	63.80
8-12-20	62.80
7-7-7	46.80
6-9-15	52.00
5-15-20	59.00
5-10-10	47.20
5-10-5	43.80
5-8-7	43.20
5-7-10	44.40
4-16-0	43.80
4-12-16	51.20
4-12-8	45.60
4-12-4	42.80
0-20-20	54.00
0-14-14	42.80
0-10-20	43.20
0-47-0	60.30
0-45-0	58.10
0-20-0	35.00
0-19-0	34.00
0-18-0	33.00
0-0-60 Muriate of potash	50.60
0-0-50 Muriate of potash	45.20
0-0-52 Sulphate of potash	58.60
0-0-50 Sulphate of potash	56.90
0-0-48 Sulphate of potash	55.20
0-0-21.5 Sulphate of potash-magnesia	45.20
42-0-0 Urea compound <sup>1</sup>	79.80
33.5-0-0 Ammonium nitrate <sup>1</sup>	67.30
32.5-0-0 Ammonium nitrate <sup>1</sup>	65.60
20.6-0-0 Calcium cyanamide <sup>1</sup>	60.60
20.5-0-0 Ammonium nitrate-lime compound <sup>1</sup>	56.00
20.5-0-0 Sulphate of ammonia <sup>1</sup>	50.00
16-0-0 Nitrate of soda <sup>1</sup>	50.00
14-0-14 Nitrate of soda potash <sup>1</sup>	60.00

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (c) (1) below.

[Footnote amended by Am. 2, effective 11-28-44]

[Table amended by Am. 2, 9 F.R. 13974, effective 11-28-44 and Am. 3, 10 F.R. 1462, effective 2-6-45]

(b) *Terms.* (1) The base prices, after making the appropriate additions or deductions provided for in the general provisions of this appendix, are consumers' time prices for payment October 1, after which date interest at the legal rate may be charged.

(2) On sales sight draft, SD/BL, c. o. d., cash in advance or cash within 10 days after shipment, a discount of 5% is to be made from the time prices.

(c) *Delivery.* (1) When delivery is taken at a rail siding or warehouse, deduct 75¢ per ton from the time or cash price.

(2) When delivery is taken at a factory, whether or not such factory is located in the area covered in Schedule A, the seller shall deduct from the time or cash price the lower of the following:

(1) 75¢ per ton plus the lowest carload rail freight rate per ton on the commodity from the factory to the consumer's railroad station, or

(2) The following amounts per ton for the shortest highway mileage from the factory to consumer's nearest railroad station:

\$0.75 for distances up to 5 miles.
\$1.00 for distances over 5 up to 10 miles.
\$1.20 for distances over 10 up to 15 miles.
\$1.40 for distances over 15 up to 20 miles.
\$1.60 for distances over 20 up to 25 miles.
\$1.80 for distances over 25 up to 35 miles.
\$2.00 for distances over 35 up to 50 miles.
\$2.20 for distances over 50 up to 60 miles.
\$2.40 for distances over 60 up to 70 miles.
\$2.60 for distances over 70 up to 80 miles.
\$2.80 for distances over 80 up to 100 miles.

For greater distances, deduct \$2.80 plus 2¢ per ton for each mile over 100 miles.

(3) For less than carload shipments to consumer's nearest railroad station or less than 10-ton truckload deliveries to consumer's premises, an additional charge may be made equal to the transportation cost in excess of the carload or full truckload rate.

#### SCHEDULE B—FOR CONSUMERS LOCATED IN NEW ENGLAND

(Except the part of Maine in Schedule A.)

*Column 1.* Consumers in Maine (except Aroostook County and the sections of Penobscot and Washington Counties lying north and west of Millinocket and Danforth), Vermont (except Bennington and Windham Counties), New Hampshire (except Cheshire, Hillsboro, Rockingham, Sullivan, Merrimack, Strafford, and Belknap Counties).

*Column 2.* Consumers in Vermont (Bennington and Windham Counties), New Hampshire (counties excepted above), Massachusetts, Connecticut, Rhode Island.

(a) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

Grade	Price per ton	
	I	II
10-10-10	\$53.49	\$61.00
8-24-8	71.49	62.00
8-16-16	63.19	63.00
8-16-8	61.09	61.00
8-12-20	67.79	63.00
8-12-16	63.19	62.00
7-14-14	64.19	61.00
7-7-7	61.29	48.00
6-15-15	63.79	63.00
6-9-15	67.09	62.00
5-15-20	64.79	62.00
5-15-15	61.79	48.00
5-10-10	67.79	48.00
5-10-5	67.49	44.00
5-8-7	43.69	43.00
5-7-10	48.69	44.00
4-16-0	44.19	61.00
4-12-16	61.79	42.00

Grade	Price per ton	
	I	II
4-12-8	\$43.00	\$42.40
4-12-4	43.29	43.80
0-20-20	63.10	63.00
0-16-16	45.69	45.50
0-16-8	45.09	45.40
0-15-0	63.79	61.20
0-15-0	63.79	61.20
0-12-0	63.10	60.00
0-12-0	61.69	62.20
0-12-0	63.50	63.00
0-0-60 Muriate of potash	53.29	53.70
0-0-50 Muriate of potash	40.80	43.00
0-0-52 Sulphate of potash	63.00	61.10
0-0-50 Sulphate of potash	61.00	59.40
0-0-48 Sulphate of potash	60.20	57.70
0-0-21.5 Sulphate of potash-magnesia	40.80	43.20
42-0-0 Urea compound <sup>1</sup>	84.00	81.70
33.5-0-0 Ammonium nitrate <sup>1</sup>	71.20	68.70
32.5-0-0 Ammonium nitrate <sup>1</sup>	69.50	67.00
20.6-0-0 Calcium cyanamide <sup>1</sup>	62.50	60.00
20.5-0-0 Ammonium nitrate-lime compound <sup>1</sup>	53.50	53.00
20.5-0-0 Sulphate of ammonia <sup>1</sup>	52.50	50.00
16-0-0 Nitrate of soda <sup>1</sup>	52.50	50.00
14-0-14 Nitrate of soda-potash <sup>1</sup>	62.50	60.00
7-0-0 Caster Potash <sup>1,2</sup>		53.00

#### TOBACCO GRADES ONLY<sup>1</sup>

6-3-6	\$50.00
5-5-15	62.00
6-3-5	63.40
4-10-0	62.80

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (d) (1) below.

<sup>2</sup> Bags 7 units of ammonia and in original bags. Add or deduct at the rate of \$3.20 per unit of ammonia varying from seven.

<sup>3</sup> Prices based on all potash from sulphate.

[Footnote 1 amended; and footnote 2 added by Am. 2, effective 11-23-44]

[Table amended by Am. 2, 9 F.R. 13974, effective 11-23-44 and Am. 3, 10 F.R. 1462, effective 2-6-45]

(b) *Quantity discount.* Except on tobacco goods and nitrogenous materials, there shall be deducted from the base price above, after making the appropriate additions or deductions provided for in the general provisions of this appendix, the following discounts:

5% but not over \$2.25 per ton for 10 to 49 tons.

7% but not over \$3.15 per ton for 50 to 99 tons.

10% but not over \$4.50 per ton for 100 tons or more.

(c) *Terms.* (1) The base prices, after making the appropriate additions or deductions provided for in the general provisions of this appendix and less the applicable quantity discount, are the consumer's time prices for payment on October 1, after which date interest at the legal rate may be charged.

(2) On sales sight draft, SD/BL, c. o. d., cash in advance or cash within 7 days of date of shipment, a discount of 10% is to be made from the time prices.

(d) *Delivery.* (1) When delivery is taken at a rail siding or warehouse, deduct \$1.00 per ton from the time or cash prices.

(2) When delivery is taken at a factory, whether or not such factory is located in the area covered in Schedule B, deduct from the time or cash prices for the shortest highway mileage from factory to consumer's nearest railroad station 50¢ per ton for distances up to 5 miles plus 2½¢ per ton for each additional mile, but not to exceed \$5.00 per ton total.

(3) For less than carload shipments to consumer's nearest railroad station or less than 10-ton truckload deliveries to consumer's premises, an additional charge may be made equal to the transportation cost in excess of the carload or full truckload rate.

## SCHEDULE C—FOR CONSUMERS LOCATED IN NEW YORK AND NEW JERSEY

Column I. Consumers in New Jersey and New York (Long Island; Richmond, New York and Rockland Counties).

Column II. Consumers in New York (Orange and Ulster Counties).

Column III. Consumers in New York (all remaining counties except St. Lawrence, Franklin, Clinton and Essex).

Column IV. Consumers in New York (St. Lawrence, Franklin, Clinton, and Essex Counties).

(a) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

Grade	Price per ton			
	I	II	III	IV
10-20-10.....	\$64.40	\$65.50	\$67.00	\$68.00
10-10-10.....	54.60	55.70	57.20	58.20
10-0-4.....	44.40			
8-16-10.....	59.00	61.00	62.50	63.50
8-10-8.....	54.00	55.10	56.60	57.60
7-14-14.....	54.10	55.20	56.70	57.70
7-7-7.....	42.40	43.50	45.00	46.00
6-18-6.....	49.60	50.60	52.10	53.10
6-12-12.....	48.10	49.20	50.70	51.70
6-12-6.....	43.20	44.30	45.80	46.80
5-10-15.....	46.40	47.50	49.00	50.00
5-10-10.....	42.20	43.30	44.80	45.80
5-10-5.....	38.40	39.50	41.00	42.00
4-16-0.....	37.10	38.20	39.70	40.70
4-12-8.....	39.90	41.00	42.50	43.50
4-12-4.....	36.90	38.00	39.50	40.50
4-8-12.....	39.70	40.80	42.30	43.30
3-12-6.....	36.00	37.10	38.60	39.60
3-9-15.....	40.40	41.50	43.00	44.00
3-9-12.....	38.10	39.20	40.70	41.70
0-20-20.....	51.60	52.70	54.20	55.20
0-10-10.....	49.10	50.20	51.70	52.70
0-10-8.....	33.60			
0-14-14.....	36.40	37.50	39.00	40.00
0-14-7.....	31.20			
0-12-12.....	33.30	34.40	35.90	36.90
0-10-20.....	37.70	38.80	40.30	41.30
0-47-0.....	61.20	62.30	63.80	64.80
0-20-0.....	26.60	27.60	29.10	30.10
0-19-0.....	25.30	26.40	27.90	28.90
0-18-0.....	24.00	25.10	26.60	27.60
0-0-60 muriate of potash.....	52.70	53.80	55.30	56.30
0-0-50 muriate of potash.....	47.10	48.20	49.70	50.70
0-0-52 sulphate of potash.....	60.60	61.60	63.10	64.10
0-0-50 sulphate of potash.....	58.80	59.90	61.40	62.40
0-0-48 sulphate of potash.....	57.10	58.20	59.70	60.70
0-0-21.5 sulphate of potash-magnesia.....	47.10	48.20	49.70	50.70
42-0-0 urea compound.....	81.40	82.50	84.00	85.00
33.5-0-0 ammonium nitrate.....	68.70	69.80	71.30	72.30
32.5-0-0 ammonium nitrate.....	67.00	68.10	69.60	70.60
20.6-0-0 calcium cyanamide.....	60.00	61.10	62.60	63.60
20.5-0-0 ammonium nitrate-lime compound.....	54.00	55.10	56.60	57.60
20.5-0-0 sulphate of ammonia.....	48.40	49.50	51.00	52.00
16-0-0 nitrate of soda.....	48.40	49.50	51.00	52.00
14-0-14 nitrate of soda-potash.....	57.40	58.50	60.00	61.00
7-0-0 castor pomace.....	32.60			

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (c) (1) below.

<sup>2</sup> Basis 7 units of ammonia and in original bags. Add or deduct at the rate of \$3.20 per unit of ammonia varying from seven.

[Footnote <sup>1</sup> amended by Am. 2, effective 11-28-44]

[Table amended by Am. 2, 9 F.R. 13974, effective 11-28-44 and Am. 3, 10 F.R. 1402, effective 2-6-45]

(b) Terms. (1) The base prices, after making the appropriate additions or deductions provided for in the general provisions of this appendix are the consumer's time prices for payment on October 1 on spring shipments and on December 1 on fall shipments, after which dates interest at the legal rate may be charged.

(2) On sales sight draft, SD/BL, c. o. d., cash in advance or cash within 7 days of date of shipment, a discount of 10% is to be made from the time prices.

(c) Delivery. (1) When delivery is taken at a rail siding, warehouse or boatlanding, deduct 75¢ per ton from the time or cash prices in New Jersey and Long Island and Richmond, New York and Rockland Counties, New York and \$1.00 per ton for all other counties in New York.

(2) When delivery is taken at a factory, whether or not such factory is located in the area covered in Schedule C, deduct the amounts per ton set forth below from the time or cash prices for the shortest highway mileage from factory to consumer's nearest railroad station. For consumers located in:

(1) *New Jersey and Richmond, New York and Rockland Counties in New York.* 75¢ per ton for distances up to 5 miles plus 2½¢ per ton for each additional mile but not to exceed \$3.50 per ton, including ferry tolls.

(2) *Long Island.* 75¢ per ton for distances up to 5 miles plus 3¢ per ton for each additional mile but not to exceed the lowest carload rail freight rate per ton on the commodity from factory to consumer's nearest railroad station.

(3) *Remainder of New York State.* \$1.00 per ton for distances up to 5 miles plus 2½¢ per ton for each additional mile but not to exceed the lowest carload rail freight rate per ton on the commodity from factory to consumer's nearest railroad station.

(3) For less than carload shipments to consumer's nearest railroad station or less than 10-ton truckload deliveries to consumer's premises, an additional charge may be made equal to the transportation cost in excess of the carload or full truckload rate.

## SCHEDULE D—FOR CONSUMERS LOCATED IN PENNSYLVANIA

Column I. Consumers in Carbon, Cumberland, Dauphin, Fulton, Franklin, Monroe, Schuylkill Counties and all counties east and south thereof.

Column II. Consumers in Bedford, Blair, Cambria, Centre, Clinton, Columbia, Huntingdon, Juniata, Luzerne, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Somerset and Union Counties.

Column III. Consumers in Tioga, Bradford, Susquehanna, Sullivan, Wyoming, Wayne, Pike and Lackawanna Counties.

Column IV. Consumers in Potter, Cameron, Clearfield, Indiana, Westmoreland, Fayette Counties and all counties west thereof.

(a) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

Grade	Price per ton			
	I	II	III	IV
10-20-10.....	\$64.80	\$66.20	\$68.70	\$67.30
10-10-10.....	55.10	56.40	58.90	57.50
10-0-4.....	44.90	46.20	48.70	47.30
8-24-8.....	62.00	63.90	64.40	65.00
8-16-16.....	60.40	61.70	62.20	62.80
8-16-8.....	54.60	55.80	56.30	56.90
7-14-14.....	54.00	55.90	56.40	57.00
7-7-7.....	42.80	44.10	44.60	45.20
6-18-18.....	59.00	60.30	60.80	61.40
6-18-6.....	50.00	51.30	51.80	52.40
6-12-12.....	48.60	49.90	50.40	51.00
6-12-6.....	43.70	45.00	45.50	46.10
5-20-10.....	54.40	55.70	56.20	56.80
5-15-20.....	55.70	57.00	57.50	58.10
5-15-15.....	51.20	52.50	53.00	53.60
5-15-5.....	42.95	44.25	44.75	45.35
5-10-15.....	46.90	48.20	48.70	49.30
5-10-10.....	42.70	44.00	44.50	45.10
5-10-5.....	38.90	40.20	40.70	41.30
4-16-0.....	37.50	38.80	39.30	39.90
4-12-0.....	50.10	51.40	51.90	52.50
4-12-12.....	43.40	44.70	45.20	45.80
4-12-8.....	40.40	41.70	42.20	42.80
4-12-4.....	37.40	38.70	39.20	39.80

## SCHEDULE D—continued

Grade	Price per ton			
	I	II	III	IV
4-8-12.....	\$40.20	\$41.50	\$42.00	\$42.60
3-12-6.....	36.50	37.80	38.30	38.90
3-9-15.....	40.80	42.10	42.60	43.20
3-9-12.....	38.60	39.90	40.40	41.00
0-24-12.....	52.00	53.30	53.80	54.40
0-20-20.....	52.00	53.30	53.80	54.40
0-19-19.....	49.50	50.80	51.30	51.90
0-16-8.....	34.00	35.30	35.80	36.40
0-14-14.....	36.90	38.20	38.70	39.30
0-14-7.....	31.60	32.90	33.40	34.00
0-12-12.....	33.80	35.10	35.60	36.20
0-47-0.....	61.70	63.00	63.50	64.10
0-20-0.....	26.70	28.00	28.50	29.10
0-19-0.....	25.00	26.30	26.80	27.40
0-18-0.....	24.40	25.70	26.20	26.80
0-0-60 muriate of potash.....	53.00	54.30	54.80	55.40
0-0-50 muriate of potash.....	47.60	48.90	49.40	50.00
0-0-52 sulphate of potash.....	61.00	62.30	62.80	63.40
0-0-50 sulphate of potash.....	59.30	60.60	61.10	61.70
0-0-48 sulphate of potash.....	57.60	58.90	59.40	60.00
0-0-21.5 sulphate of potash-magnesia.....	47.60	48.90	49.40	50.00
42-0-0 urea compound.....	81.40	82.70	83.20	83.80
33.5-0-0 ammonium nitrate.....	68.70	70.00	70.50	71.10
32.5-0-0 ammonium nitrate.....	67.00	68.30	68.80	69.40
20.6-0-0 calcium cyanamide.....	60.00	61.30	61.80	62.40
20.5-0-0 ammonium nitrate-lime compound.....	54.00	55.30	55.80	56.40
20.5-0-0 sulphate of ammonia.....	48.40	49.70	50.20	50.80
16-0-0 nitrate of soda.....	48.40	49.70	50.20	50.80
14-0-14 nitrate of soda-potash.....	57.40	58.70	59.20	59.80

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (c) (1) below.

[Footnote amended by Am. 2, effective 11-28-44]

[Table amended by Am. 2, 9 F.R. 13974, effective 11-28-44 and Am. 3, 10 F.R. 1402, effective 2-6-45. \*Item added by Am. 4, effective 11-26-45.]

(b) Terms. (1) The base prices, after making the appropriate additions or deductions provided for in the general provisions of this appendix, are consumer's time prices for payment on October 1 on spring shipments and on December 1 on fall shipments, after which dates interest at the legal rate may be charged.

(2) On sales sight draft, SD/BL, c. o. d., cash in advance or cash within 7 days of date of shipment, a discount of 10% is to be made from the time prices.

(c) Delivery. (1) When delivery is taken at a rail siding, warehouse or boatlanding, deduct 75¢ per ton from the time or cash prices in all counties except Erie, Crawford, Warren, McKean, Potter, Tioga, Bradford, Susquehanna, Sullivan, Wyoming, Wayne, Pike and Lackawanna Counties, in which \$1.00 per ton shall be deducted.

(2) When delivery is taken at a factory, whether or not such factory is located in the area covered in Schedule D, deduct the amounts per ton set forth below from the time or cash prices for the shortest highway mileage from factory to consumer's nearest railroad station. For consumers located in:

(1) Areas covered in Columns I, II and IV, 75¢ per ton for distances up to 5 miles plus 2½¢ per ton for each additional mile for the next 100 miles, plus 1¢ per ton per mile for the next 175 miles.

(2) Area covered in Column III, \$1.00 per ton for distances up to 5 miles plus 2½¢ per ton for each additional mile for the next 100 miles, but not to exceed the lowest carload rail freight rate per ton on the commodity from factory to consumer's nearest railroad station.

(3) For less than carload shipments to consumer's nearest railroad station or less than 10-ton truckload deliveries to consumer's

premises, an additional charge may be made equal to the transportation cost in excess of the carload or full truckload rate.

**SCHEDULE E—FOR CONSUMERS LOCATED IN DELAWARE, MARYLAND AND THE DISTRICT OF COLUMBIA**

**Column I.** Consumers in Delaware and Maryland (counties of Cecil, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, Somerset and Worcester).

**Column II.** Consumers in District of Columbia and Maryland (counties of Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Marys and Washington).

**Column III.** Consumers in Maryland (counties of Garrett and Allegany).

(a) Delivered-to-the-farm base prices for goods in 100-pound paper bags.

Grade	Price per ton		
	I	II	III
10-10-10.....	\$54.40	\$54.50	\$55.10
10-6-4.....	43.20	43.60	44.80
10-10-10.....	42.80	43.20	44.60
8-24-8.....	60.80	61.30	62.60
8-16-16.....	53.80	59.20	60.50
7-7-7.....	41.10	41.50	42.80
6-18-6.....	48.20	48.70	50.00
6-8-6.....	38.80	39.20	40.50
5-20-10.....	54.40	54.80	55.10
5-15-20.....	54.70	55.10	55.40
5-15-5.....	41.25	41.65	42.85
5-10-10.....	41.00	41.40	42.70
5-10-5.....	37.20	37.60	38.80
4-16-0.....	35.90	36.30	37.60
4-12-8.....	38.70	39.10	40.40
4-12-4.....	35.70	36.10	37.40
4-8-12.....	38.60	38.90	40.20
3-12-6.....	34.80	35.20	36.50
3-9-15.....	39.10	39.50	40.80
3-9-12.....	36.90	37.30	38.60
2-12-12.....	36.90	37.30	38.60
0-24-12.....	52.00	52.40	53.70
0-20-20.....	52.00	52.40	53.70
0-19-19.....	49.50	49.90	51.20
0-14-7.....	29.80	30.20	31.50
0-12-12.....	32.10	32.50	33.80
0-10-20.....	36.80	37.20	38.50
0-47-0.....	59.80	60.20	61.50
0-20-0.....	25.30	25.70	27.00
0-19-0.....	24.30	24.70	26.00
0-18-0.....	23.30	23.70	25.00
0-0-60 muriate of potash.....	51.10	51.50	52.80
0-0-50 muriate of potash.....	45.70	46.10	47.40
0-0-52 sulphate of potash.....	59.10	59.50	60.80
0-0-50 sulphate of potash.....	57.40	57.80	59.10
0-0-48 sulphate of potash.....	55.70	56.10	57.40
0-0-21.5 sulphate of potash-magnesia.....	45.70	46.10	47.40
42-0-0 urea compound.....	79.70	80.10	81.40
33.5-0-0 ammonium nitrate.....	67.00	67.40	68.70
32.5-0-0 ammonium nitrate.....	65.30	65.70	67.00
20.5-0-0 calcium cyanamide.....	53.30	53.70	55.00
20.5-0-0 ammonium nitrate-lime compound.....	52.30	52.70	54.00
20.5-0-0 sulphate of ammonia.....	46.70	47.10	48.40
16-0-0 nitrate of soda.....	46.70	47.10	48.40
14-0-14 nitrate of soda-potash.....	55.70	56.10	57.40

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (c) (1) below.

[Footnote amended by Am. 2, effective 11-28-44]

[Table amended by Am. 2, 9 F.R. 13974, effective 11-28-44 and Am. 3, 10 F.R. 1402, effective 2-6-45]

(b) **Terms.** (1) The base prices, after making the appropriate additions or deductions provided for in the general provisions of this appendix, are consumers' time prices for payment on October 1 on spring shipments and on December 1 on fall shipments, after which dates interest at the legal rate may be charged.

(2) On sales sight draft, SD/BL, c. o. d., cash in advance or cash within 7 days of date of shipment, a discount of 10% is to be made from the time prices.

(c) **Delivery.** (1) When delivery is taken at a rail siding, boatlanding or warehouse, deduct 75¢ per ton from the time or cash prices.

(2) When delivery is taken at a factory, whether or not such factory is located in

the area covered in Schedule E, deduct the amounts per ton set forth below from the time or cash prices for the shortest highway mileage from factory to consumer's nearest railroad station. For consumers located in the area covered by:

(1) **Column I:**  
75¢ per ton for distances up to 5 miles, plus

2½¢ per ton for each additional mile for the next 70 miles.

(11) **Column II:**  
75¢ per ton for distances up to 5 miles, plus 2½¢ per ton for each additional mile for the next 100 miles.

(111) **Column III:**  
75¢ per ton for distances up to 5 miles, plus

2½¢ per ton for each additional mile for the next 100 miles, plus

1¢ per ton for each additional mile for the next 175 miles.

(3) For less than carload shipments to consumer's nearest railroad station or less than 10-ton truckload deliveries to consumer's premises, an additional charge may be made equal to the transportation cost in excess of the carload or full truckload rate.

Grade	Price per ton				
	I	II	III	IV	V
10-0-4.....	\$43.60	\$44.60	\$45.20	\$46.20	\$47.20
7-7-7.....	41.60	42.60	44.10	44.70	45.70
5-10-10.....	41.40	42.70	44.00	44.60	45.20
5-10-5.....	37.60	38.60	40.20	40.80	41.80
4-16-0.....	35.20	36.60	38.00	39.20	40.20
4-12-8.....	38.10	42.40	41.70	42.30	43.60
4-12-4.....	35.10	37.40	38.70	39.30	40.60
3-12-6.....	32.50	32.60	37.80	38.40	39.10
0-19-19.....	42.00	51.20	52.60	53.10	53.80
0-14-7.....	32.30	31.00	32.00	33.00	34.20
0-12-12.....	32.60	33.80	35.10	35.70	36.40
0-20-20.....	60.20	61.00	62.80	63.40	64.10
0-20-0.....	23.70	27.60	28.20	29.00	29.60
0-10-0.....	24.70	28.60	29.20	29.80	30.60
0-18-0.....	23.70	25.60	26.20	26.80	27.60
0-0-60 muriate of potash.....	61.60	62.80	64.10	64.70	65.40
0-0-50 muriate of potash.....	45.10	47.40	48.70	49.30	50.60
0-0-52 sulphate of potash.....	59.60	60.80	62.10	62.70	63.40
0-0-50 sulphate of potash.....	57.60	59.10	60.40	61.00	61.70
0-0-48 sulphate of potash.....	55.60	57.40	58.70	59.30	60.00
0-0-21.5 sulphate of potash-magnesia.....	45.10	47.40	48.70	49.30	50.60
42-0-0 urea compound.....	80.10	81.40	82.70	83.30	84.60
33.5-0-0 ammonium nitrate.....	67.40	68.70	70.00	70.60	71.30
32.5-0-0 ammonium nitrate.....	65.70	67.00	68.30	68.90	69.60
20.5-0-0 calcium cyanamide.....	53.70	55.00	56.30	56.90	57.60
20.5-0-0 ammonium nitrate-lime compound.....	52.70	54.00	55.30	55.90	56.60
20.5-0-0 sulphate of ammonia.....	47.10	48.40	49.70	50.30	51.00
16-0-0 nitrate of soda.....	47.10	48.40	49.70	50.30	51.00
14-0-14 nitrate of soda-potash.....	56.10	57.40	58.70	59.30	60.00

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (c) (1) below.

[Footnote amended b. Am. 3, effective 11-28-44]

[Table amended by Am. 2, 9 F.R. 13974, effective 11-28-44 and Am. 3, 10 F.R. 1402, effective 2-6-45]

(b) **Terms.** (1) The base prices, after making the appropriate additions or deductions provided for in the general provisions of this appendix, are consumers' time prices for payment on October 1 on spring shipments and on December 1 on fall shipments, after which dates interest at the legal rate may be charged.

(2) On sales sight draft, SD/BL, c. o. d., cash in advance or cash within 7 days of date of shipment, a discount of 10% is to be made from the time prices.

(c) **Delivery.** (1) When delivery is taken at a rail siding or warehouse, deduct 75¢ per ton from the time or cash prices.

(2) When delivery is taken at a factory, whether or not such factory is located in the area covered in Schedule F, deduct the following amounts from the cash or time price for the shortest highway mileage from factory to consumer's nearest railroad station:

75¢ per ton for distances up to 5 miles plus 2½¢ per ton for each additional mile for the next 100 miles plus 1¢ per ton for each additional mile for the next 175 miles.

**SCHEDULE F—FOR CONSUMERS LOCATED IN WEST VIRGINIA**

(Counties north of and including Mason, Jackson, Boone, Webster, Randolph, Pendleton and the part of Nicholas County served by the B. & O. Railroad).

[Above paragraph amended by Am. 2, 9 F.R. 13974, effective 11-28-44]

**Column I.** Consumers in Morgan, Hampshire, Hardy, Grant and Pendleton Counties.

**Column II.** Consumers in Mineral, Preston and Tucker Counties.

**Column III.** Consumers in Barbour, Braxton, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongahela, Pleasants, Randolph, Ritchie, Taylor, Tyler, Upshur, Webster and Wetzel Counties and the part of Nicholas County served by the B. & O. Railroad.

**Column IV.** Consumers in Hancock, Brooke, Ohio and Marshall Counties.

**Column V.** Consumers in Calhoun, Jackson, Mason, Boone, Wirt and Wood Counties.

(a) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

Grade	Price per ton				
	I	II	III	IV	V
10-0-4.....	\$43.60	\$44.60	\$45.20	\$46.20	\$47.20
7-7-7.....	41.60	42.60	44.10	44.70	45.70
5-10-10.....	41.40	42.70	44.00	44.60	45.20
5-10-5.....	37.60	38.60	40.20	40.80	41.80
4-16-0.....	35.20	36.60	38.00	39.20	40.20
4-12-8.....	38.10	42.40	41.70	42.30	43.60
4-12-4.....	35.10	37.40	38.70	39.30	40.60
3-12-6.....	32.50	32.60	37.80	38.40	39.10
0-19-19.....	42.00	51.20	52.60	53.10	53.80
0-14-7.....	32.30	31.00	32.00	33.00	34.20
0-12-12.....	32.60	33.80	35.10	35.70	36.40
0-20-20.....	60.20	61.00	62.80	63.40	64.10
0-20-0.....	23.70	27.60	28.20	29.00	29.60
0-10-0.....	24.70	28.60	29.20	29.80	30.60
0-18-0.....	23.70	25.60	26.20	26.80	27.60
0-0-60 muriate of potash.....	61.60	62.80	64.10	64.70	65.40
0-0-50 muriate of potash.....	45.10	47.40	48.70	49.30	50.60
0-0-52 sulphate of potash.....	59.60	60.80	62.10	62.70	63.40
0-0-50 sulphate of potash.....	57.60	59.10	60.40	61.00	61.70
0-0-48 sulphate of potash.....	55.60	57.40	58.70	59.30	60.00
0-0-21.5 sulphate of potash-magnesia.....	45.10	47.40	48.70	49.30	50.60
42-0-0 urea compound.....	80.10	81.40	82.70	83.30	84.60
33.5-0-0 ammonium nitrate.....	67.40	68.70	70.00	70.60	71.30
32.5-0-0 ammonium nitrate.....	65.70	67.00	68.30	68.90	69.60
20.5-0-0 calcium cyanamide.....	53.70	55.00	56.30	56.90	57.60
20.5-0-0 ammonium nitrate-lime compound.....	52.70	54.00	55.30	55.90	56.60
20.5-0-0 sulphate of ammonia.....	47.10	48.40	49.70	50.30	51.00
16-0-0 nitrate of soda.....	47.10	48.40	49.70	50.30	51.00
14-0-14 nitrate of soda-potash.....	56.10	57.40	58.70	59.30	60.00

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (c) (1) below.

[Footnote amended b. Am. 3, effective 11-28-44]  
[Table amended by Am. 2, 9 F.R. 13974, effective 11-28-44 and Am. 3, 10 F.R. 1402, effective 2-6-45]

(3) For less than carload shipments to consumer's nearest railroad station or less than 10-ton truckload deliveries to consumer's premises, an additional charge may be made equal to the transportation cost in excess of the carload or full truckload rate.

**SCHEDULE G—FOR CONSUMERS LOCATED IN WEST VIRGINIA (EXCEPT COUNTIES IN SCHEDULE F), VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA**

**Column I.** Consumers in Virginia (Carroll, Floyd, Montgomery, Craig, Alleghany Counties and counties west thereof), West Virginia (Pocahontas, Greenbrier, Nicholas—that part served by the C. & O. Railroad, Clay, Kanawha, Putnam, Cabell Counties and counties south thereof).

**Column II.** Consumers in Virginia (counties not included in Column I) West Virginia (Jefferson and Berkeley Counties).

**Column III.** Consumers in North Carolina.

**Column IV.** Consumers in South Carolina and Georgia.



**I. Mixed fertilizer, superphosphate and potash.** (a) Base prices for goods in 100-pound paper bags:

Grade	Price per ton			
	I	II	III	IV
10-0-4	\$42.90	\$40.80		
*10-0-30			\$54.60	
10-0-10	42.80	40.80	40.60	\$40.40
7-7-7	41.30	39.30		38.80
6-6-3				35.00
6-8-8				37.80
6-8-6	38.80	36.80	36.60	36.40
6-10-10	40.70			38.20
6-10-6	37.20	35.20	34.90	34.70
6-7-5			32.80	
4-10-0	35.50	33.50	33.20	33.00
4-12-12				38.60
4-12-8	38.30	36.30		33.00
4-12-4	35.50	33.50	33.20	33.00
4-10-6	35.50	33.50	33.20	33.00
4-8-8			33.20	33.00
4-8-6				31.60
3-12-0	34.50	32.50	32.20	32.00
3-0-12	36.60	34.60	34.30	34.10
3-0-9	34.50	32.50	32.20	32.00
3-0-6				29.90
2-12-12	36.30	34.30	34.00	
2-12-6				29.60
0-14-10				29.00
0-14-7	29.40	27.40	27.10	26.80
0-12-12	31.60	29.60		29.00
0-12-12 (300 pounds basic)			29.80	
*0-0-27			37.60	
0-8-16 (500 pounds basic)			30.20	
0-20-0	25.30	23.30	22.70	22.30
0-10-0	24.50	22.50	21.90	21.50
0-18-0	23.60	21.60	21.00	20.60
0-0-60 muriate of potash	51.60	49.60	49.00	48.60
0-0-60 muriate of potash	46.20	44.20	44.20	44.20
0-0-30 manure salts	33.80	31.80	31.80	31.80
0-0-25 manure salts	32.60	30.60	30.60	30.60
0-0-62 sulphate of potash	59.40	57.40	57.40	57.40
0-0-50 sulphate of potash	57.80	55.80	55.80	55.80
0-0-48 sulphate of potash	56.20	54.20	54.20	54.20
0-0-21.5 sulphate of potash-magnesium	46.20	44.20	44.20	44.20
Unburned lime, 6 percent potash <sup>1</sup>		18.50	18.50	
Burned lime, 6 percent potash <sup>1</sup>		20.50	20.50	
Burned lime, 6 percent potash, 4 percent water-soluble magnesium <sup>1</sup>		22.65	22.65	

## TOBACCO GRADES ONLY

Grade	I	II	III	IV
*6-9-3			\$41.00	\$40.80
5-5-20	\$54.30	\$52.30	52.00	
4-10-0	40.00	38.00	37.70	37.50
4-9-3	36.90	34.90	34.60	34.40
4-4-8				35.30
3-12-0	38.20	36.20	35.90	35.70
3-9-9	39.10	37.10	36.80	36.60
3-9-6	36.10	34.10	33.80	33.60
3-8-5	34.40	32.40	32.10	
2-10-0	33.60	31.60	31.30	

<sup>1</sup> Based on Norfolk, Va., only.

<sup>2</sup> All potash from sulphate.

<sup>3</sup> [Revoked.]

<sup>4</sup> [Revoked.]

[Footnotes 3 and 4 added by Am. 3, 10 F.R. 1402, effective 2-8-45 and revoked by Am. 4, effective 11-28-45]

[Table amended by Am. 2, 9 F.R. 13974, effective 11-28-44. \*Items added by Am. 4, effective 11-28-45]

**Special ingredients.** In addition to the adjustments provided for in the general provisions of this appendix, the base prices may be adjusted as follows for special ingredients:

**In other than premium brands and tobacco grades.** Add 15¢ per unit of nitrogen for each 5% of water-insoluble nitrogen guaranteed in excess of 10%.

**In tobacco grades (other than premium brands):**

(1) Add or deduct 15¢ per unit of nitrogen for each 5% of water-insoluble nitrogen in excess of or less than 25%.

(2) Add \$1.25 per ton for each hundred pounds of oilseed meal, other than castor, guaranteed therein.

(3) Sulphate of potash differential in the general provisions of Appendix A do not apply to tobacco grades in Schedule G. Instead, deduct 30¢ for each 1% of chlorine in excess of 2% and, except for grades 5-5-20 and 4-9-3, add 60¢ per ton if all potash is derived from sulphate of potash.

(b) **Delivery differentials:** Nearest port means Baltimore, Norfolk, Wilmington, Charleston, Savannah or Jacksonville, the one from which the applicable rail or trucking rate as specified below, when added to the f. o. b. port price will give the lowest delivered price at the point of delivery.

(1) **To determine the delivered-to-the-farm base price at any point:** The delivered-to-the-farm base price is the base price in (a) for the area in which the farm is located, after making the appropriate additions or deductions provided for in the general provisions of this appendix and for special ingredients and after deducting freight allowances as follows:

(i) **In the area covered by Column I (except as provided in (iii) below).** The amount, if any, by which \$5.00 exceeds the lowest carload rail freight rate per ton on the commodity from the nearest port to the consumer's nearest railroad station.

(ii) **In the area covered by Columns II, III and IV (except as provided in (iii) below).** The amount, if any, by which \$3.75 exceeds the trucking rate per ton from the nearest port to the city or town nearest to or in which the farm is located, using the shortest highway mileage on the official state highway map and using the following trucking rates:

## Mileage from Baltimore

\$0.75 per ton for distances up to 5 miles, plus 2½ cents per ton for each additional mile for the next 70 miles, plus 1 cent per ton for each additional mile beyond 75 miles.

## Mileage from other ports

\$0.75 per ton for distances up to 15 miles  
1.00 per ton for distances more than 15 and up to 25 miles  
1.50 per ton for distances more than 25 and up to 40 miles

For distances over 40 miles, \$1.50 per ton plus 1 cent per ton per mile in excess of 40 miles. (Assume 40 miles from Norfolk to Cape Charles.)

(iii) When delivery is made to the consumer's premises from a railhead, boatlanding or warehouse, as distinguished from delivery direct from factory, and the transportation cost (in no case to exceed the lowest published tariff rates or the trucker's maximum trucking rate) to the consumer's premises from the railroad station nearest thereto exceeds 75 cents per ton, such excess may be added to the prices as determined in (i) or (ii) above.

(2) **Delivery at a factory not located at a port, or at a warehouse, boat landing or rail siding.** If a consumer takes delivery at a factory not located at a port, or at a warehouse, boat landing or rail siding, deduct 75 cents per ton from the delivered-to-the-farm base price at such point as determined in (1) (i) or (1) (ii) above.

[Subparagraph (2) amended by Am. 4, effective 11-28-45]

(c) **Quantity differentials.** For deliveries in carloads or in 10-ton truck lots, deduct 2% from the price established by (b) (1) (i), (b) (1) (ii) or (b) (2) above.

[Paragraphs (b) and (c) amended by Am. 2]

(d) **Terms.** (1) To determine consumers' time prices, add 10 per cent to prices established by (b) (1) (i), (b) (1) (ii), (b) (2) or (c) above on unpaid balances as of May 1, on shipments made prior thereto and after the preceding December 1; as of July 1, on shipments made between the preceding April 30 and July 1; as of October 1, on shipments made between the preceding June 30 and October 1; and as of December 1, on shipments made between the preceding Septem-

ber 30 and December 1. Interest at the legal rate may be charged beginning with the date time prices become effective.

(2) For c. o. d. sales, shipments SB/BL, or for cash within 10 days after delivery, deduct 1% from the price established by (b) (1) (i), (b) (1) (ii), (b) (2) or (c) above.

[Paragraph (d) amended by Am. 2, 9 F.R. 13974, effective 11-28-44, and Am. 4, effective 11-28-45]

**II. Nitrogenous fertilizer materials.** (a) Cash (payment within 10 days after delivery) prices per ton for nitrogenous fertilizer materials in bags shall be:

(1) F. o. b. the nearest wholesale price basing point as specified:

16-0-0	imported nitrate of soda	\$37.00 f. o. b. nearest port
16-0-0	domestic nitrate of soda	34.00 f. o. b. Hopewell, Virginia
14-0-0	domestic nitrate of soda	30.00 f. o. b. Holston, Tennessee
14-0-14	nitrate of soda-potash	46.00 f. o. b. nearest port
20.5-0-0	sulphate of ammonia	36.20 f. o. b. nearest port or \$35.20 f. o. b. nearest producing point, whichever results in the lowest delivered price.
20.5-0-0	ammonium nitrate-lime compound	36.50 f. o. b. Hopewell, Virginia
20.0-0-0	calcium cyanamide	42.25 f. o. b. Niagara Falls, Ontario, Canada
32.5 (or higher)-0-0	imported ammonium nitrate	

Add \$5.00 per ton to the wholesale price at the point of delivery from the producer. (The wholesale price of imported ammonium nitrate in bags is equivalent per unit of nitrogen to the wholesale price of sulphate of ammonia in bulk at the point of delivery.)

32.5 (or higher)-0-0	domestic ammonium nitrate	35.00 f. o. b. Sheffield, Alabama
42-0-0	urea compound	66.40 f. o. b. the nearest port.

[Table amended by Am. 3, 10 F.R. 1402, effective 2-8-45]

(2) Plus the cost of tax tags and the attaching thereof or state tonnage or inspection tax.

(3) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(4) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

(b) To determine the time price, add 10 per cent to the cash price. Interest at the legal rate may be added after May 1 on spring goods and after December 1 on fall goods.

[Part II amended by Am. 2, 9 F.R. 13974, effective 11-28-44]

## SCHEDULE H—FOR CONSUMERS LOCATED IN FLORIDA (EAST OF THE APALACHICOLA RIVER)

**I. Mixed fertilizer, superphosphate and potash.** (a) Base prices for goods in 100-pound paper bags.

Grade	Price per ton
12-0-10	\$47.85
*10-0-10	44.05
8-0-12	41.65
8-0-8	38.85
6-6-6	36.95
6-4-8	37.25
5-8-8	37.60
5-7-5	34.90
5-6-10	37.85
5-5-8	38.00
4-16-0	34.45
4-12-6	30.45
4-12-4	35.05

Grade:	Price per ton
4-10-7	36.05
4-9-3	32.70
4-8-3	35.65
4-8-6	34.25
4-8-4	32.85
4-7-5	33.00
4-6-8	34.55
4-5-7	33.30
4-4-8	33.45
3-8-8	33.75
3-8-5	31.65
3-6-10	34.05
3-6-8	32.65
2-10-4	30.15
2-8-10	33.25
2-8-6	30.45
0-14-10	32.75
0-14-5	29.25
0-12-16	35.85
0-10-10	30.55
0-8-24	39.25
0-8-12	30.85
0-20-0	25.00
0-19-0	24.25
0-18-0	23.50
0-16-0	22.00
0-0-60 muriate of potash	54.40
0-0-50 muriate of potash	49.00
0-0-30 manure salts	36.25
0-0-25 manure salts	35.00
0-0-52 sulphate of potash	62.40
0-0-50 sulphate of potash	60.70
0-0-43 sulphate of potash	59.00
0-0-21.5 sulphate of potash-magnesia	49.00

[\*Item added by Am. 4, effective 11-26-45]

**Special ingredients.** In addition to the adjustments provided for in the general provisions of this appendix, the base prices may be adjusted as follows for special ingredients:

Nitrate nitrogen, \$0.50 per unit of N.

Total organic nitrogen (excess over one-tenth water-soluble shall be priced as ammoniacal nitrogen), \$4.40 per unit of N.

Potash other than muriate forms, \$0.30 per unit of K<sub>2</sub>O.

Sulphur, \$0.55 per unit of S.

Copper sulphate, \$5.30 per unit of CuO.

Borax, \$2.50 per unit of B<sub>2</sub>O<sub>3</sub>.

Zinc sulphate, \$3.65 per unit of ZnO.

Iron sulphate, \$1.30 per unit of Fe<sub>2</sub>O<sub>3</sub>.

Aluminum sulphate, \$4.50 per unit of Al<sub>2</sub>O<sub>3</sub>.

Manganese sulphate, \$3.00 per unit of MnO.

Magnesium oxide, \$1.00 per unit of MgO.

(b) **Quantity discounts.** Buyers who during the preceding 12-month period have purchased and paid for mixed fertilizer and fertilizer materials, except nitrogenous materials, in the quantities specified below shall be allowed the following quantity discounts from the prices in (a) after making the appropriate additions or deductions provided for in the general provisions of this appendix:

	Percent
30 tons or more but less than 100 tons	5
100 tons or more but less than 300 tons	8
300 tons or more	10

(c) **Delivery.**—(1) **Farm delivery.** The delivered-to-the-farm base price is the price in (a) above after making the appropriate additions or deductions provided for in the general provisions of this appendix and after deducting therefrom the applicable quantity discount and the amount, if any, by which \$4.50 per ton exceeds the lowest carload rail freight rate per ton on the commodity to the consumer's nearest railroad station from Jacksonville or Tampa, whichever is lower.

(2) **Rail siding or boatlanding delivery.** To arrive at the base price for goods delivered at the consumer's nearest rail siding or boat-

landing deduct \$0.75 from the delivered-to-the-farm price established in (1) above.

(3) **Port factory delivery.** To arrive at the base price for goods sold f. o. b. factory or warehouse at Tampa or Jacksonville, deduct \$5.25 per ton from the prices in (a) after making the appropriate additions or deductions provided for in the general provisions of this appendix and after deducting the applicable quantity discount.

(4) **Inland factory delivery.** To arrive at the base price for goods sold f. o. b. factory or warehouse at locations other than Tampa or Jacksonville, add to the f. o. b. port factory price, established in (3) above, the lowest carload rail freight rate on the commodity to such inland factory or warehouse from Tampa or Jacksonville, whichever is lower.

(5) For less than carload shipments to consumer's nearest railroad station an additional charge may be made equal to the transportation cost in excess of the carload rate.

[Subparagraph (5) amended by Am. 2, 9 F.R. 13974, effective 11-28-44]

(d) **Terms.**—(1) **Time prices.** The time prices are the prices established in (c) above. Interest may be added at the rate of 6% per annum from the 10th of the month following the month in which delivery is made.

(2) **Cash discount.** From the time prices deduct 5% for payment in cash by the 10th of the month following the month in which delivery is made.

II. **Nitrogenous fertilizer materials.** (a) Cash (payment by the 10th of the month following the month of delivery) prices per ton for nitrogenous fertilizer materials in bags shall be:

(1) F. o. b. the nearest wholesale price basing point as specified:

16-0-0	imported nitrate of soda	\$37.00 f. o. b. nearest port
16-0-0	domestic nitrate of soda	34.00 f. o. b. Hopewell, Virginia
14-0-0	domestic nitrate of soda	30.00 f. o. b. Holston, Tennessee
14-0-14	nitrate of soda-potash	40.00 f. o. b. nearest port
20.5-0-0	sulphate of ammonia	36.20 f. o. b. nearest port
20.5-0-0	ammonium nitrate-lime compound	36.50 f. o. b. Hopewell, Virginia
20.6-0-0	calcium cyanamide	42.25 f. o. b. Niagara Falls, Ontario, Canada
32.5 (or higher)-0-0	ammonium nitrate	55.00 f. o. b. Sheffield, Alabama
42-0-0	urea compound	60.40 f. o. b. nearest port
7-0-0	castor pomace <sup>1</sup>	24.30 f. o. b. Bayonne, New Jersey

<sup>1</sup> Basis 7 units of ammonia and in original bags, plus or minus \$2.00 per unit of ammonia variation from 7 units.

[Table amended by Am. 3, 10 F.R. 1402, effective 2-6-45]

(2) Plus the cost of tax tags and the attaching thereof.

(3) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(4) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

(b) To determine the time price, add 5 percent to the cash price. Interest may be charged at the rate of 6 percent per annum from the 10th of the month following the month in which delivery is made.

[Part II amended by Am. 2, 9 F.R. 13974, effective 11-28-44]

SCHEDULE I—FOR CONSUMERS LOCATED IN ALABAMA AND FLORIDA (WEST OF THE APALACHICOLA RIVER)

I. **Mixed fertilizer, superphosphate and potash.** (a) Delivered-to-the-railhead or warehouse base prices for goods in 100-pound paper bags:

Grade:	Price per ton
12-0-10	\$42.90
8-0-12	35.30
8-0-8	32.50
6-8-8	34.80
6-8-4	32.00
6-6-6	31.70
6-4-8	31.40
5-8-8	32.50
5-7-5	29.60
5-6-10	32.20
5-5-8	30.00
4-16-0	31.50
4-12-8	32.30
4-12-4	30.90
4-10-7	31.30
4-10-6	30.60
4-10-4	23.20
4-9-3	27.70
4-8-8	30.30
4-8-6	23.90
4-8-4	27.50
4-7-5	27.40
4-6-8	23.60
4-5-7	27.10
4-4-8	26.90
3-8-8	23.10
3-8-5	26.00
3-6-10	27.80
3-6-8	26.40
2-10-4	24.70
2-8-10	27.20
2-8-6	24.40
0-14-10	27.80
0-14-5	24.30
0-12-16	30.30
0-10-10	24.40
0-8-24	32.50
0-8-12	24.10
0-20-0	20.00
0-18-0	19.30
0-16-0	18.50
0-16-0	17.50
0-0-60 muriate of potash	47.90
0-0-50 muriate of potash	42.50
0-0-30 manure salts	30.10
0-0-25 manure salts	23.80
0-0-52 sulphate of potash	55.70
0-0-50 sulphate of potash	54.10
0-0-43 sulphate of potash	52.50
0-0-21.5 sulphate of potash-magnesia	42.50

#### Tobacco grades only

3-9-9	34.10
3-8-8	32.20

[Table amended by Am. 2, 9 F.R. 13974, effective 11-22-44]

(b) **Terms.** (1) On sales sight draft, SD/BL, c. o. d., or cash in advance, a discount of 1% is to be made from the base prices after making the appropriate additions and deductions provided for in the general provisions of this appendix.

(2) To determine the time prices, add 10 per cent to the base prices after making the appropriate additions and deductions provided for in the general provisions of this appendix. Interest at 6 per cent per annum may be charged after May 1 on spring goods and after December 1 on fall goods.

[Subparagraph (2) amended by Am. 3, 10 F.R. 1402, effective 2-6-45]

(c) **Delivery.** (1) When delivery is taken at a factory, whether or not such factory is located in the area covered in Schedule I,

deduct the following amounts from the cash or time prices for the shortest highway mileage from factory to railroad or dealer's warehouse nearest consumer's premises:

\$0.75 per ton for distances up to 15 miles.  
\$1.00 per ton for distances over 15 up to 25 miles.

\$1.50 per ton for distances over 25 up to 40 miles.

For distances over 40 miles, \$1.50 per ton plus 1 cent per ton per mile in excess of 40 miles.

(2) For less than carload shipments to consumer's nearest railroad, an additional charge may be made equal to the transportation cost in excess of the carload rate.

**II. Nitrogenous fertilizer materials.** (a) Cash (payment upon delivery) prices per ton for nitrogenous fertilizer materials in bags shall be:

(1) F. o. b. the nearest wholesale price basing point as specified:

16-0-0	imported nitrate of soda	\$37.00 f. o. b. nearest port
16-0-0	domestic nitrate of soda	\$4.00 f. o. b. Hopewell, Virginia
14-0-0	domestic nitrate of soda	30.00 f. o. b. Holston, Tennessee
14-0-14	nitrate of soda-potash	46.00 f. o. b. nearest port
20.5-0-0	sulphate of ammonia	36.20 f. o. b. nearest port or \$35.20 f. o. b. nearest producing point, whichever results in the lowest delivered price.
20.5-0-0	ammonium nitrate-lime-compound	36.50 f. o. b. Hopewell, Virginia
20.6-0-0	calcium cyanamide	42.25 f. o. b. Niagara Falls, Ontario, Canada
32.5 (or higher)-0-0	ammonium nitrate	55.00 f. o. b. nearest producing point
42-0-0	urea compound	66.40 f. o. b. nearest port

[Table amended by Am. 3, 10 F.R. 1402, effective 2-6-45]

(2) Plus the cost of tax tags and attaching thereof,

(3) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery,

(4) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

(b) To determine the time price, add 10 per cent to the cash price. Interest at 6 per cent per annum may be charged after May 1 on spring goods and after December 1 on fall goods.

[Paragraph (b) amended by Am. 3, 10 F.R. 1402, effective 2-6-45]

[Part II amended by Am. 2, 9 F.R. 13974, effective 11-28-44 and as otherwise noted]

**SCHEDULE J—FOR CONSUMERS LOCATED IN MISSISSIPPI AND LOUISIANA (EAST OF THE MISSISSIPPI RIVER)**

**I. Mixed fertilizers, superphosphate and potash.** (a) Delivered to railroad or warehouse base prices for goods in 100-pound paper bags:

Grade:	Price per ton
12-8-0	\$42.50
10-6-4	39.40
10-0-10	37.90
9-8-9	40.90
8-8-8	40.10
6-9-6	35.70
6-8-8	36.10
6-8-4	33.30
5-10-5	33.40
4-16-0	33.10
4-12-8	34.90
4-12-4	32.10
4-8-8	31.10
3-12-12	35.20

Grade:	Price per ton
0-14-7	28.70
0-12-12	28.30
0-20-0	22.20
0-19-0	21.50
0-18-0	20.70
0-0-60 muriate of potash	50.00
0-0-50 muriate of potash	44.70
0-0-52 sulphate of potash	57.80
0-0-50 sulphate of potash	56.20
0-0-48 sulphate of potash	54.60
0-0-30 manure salts	32.00
0-0-25 manure salts	30.80
0-0-21.5 sulphate of potash magnesium	44.70

[Table amended by Am. 2, 9 F.R. 13974, effective 11-28-44]

(b) **Terms.** (1) The base price, after making the appropriate additions and deductions provided for in the general provisions of this appendix, is the price for sales sight draft, SD/BL, c. o. d., cash in advance or cash within 10 days after delivery.

(2) To determine the time prices, add 10% to the cash prices. Interest may be charged from May 1 on spring shipments and from December 1 on fall shipments at the rates per annum of 6% in Mississippi and 8% in Louisiana.

(c) **Delivery.** (1) When delivery is taken at a factory, whether or not such factory is located in the area covered in Schedule J, deduct the following amounts from the cash or time prices for the shortest highway mileage from factory to railroad or dealer's warehouse nearest consumer's premises:

\$0.75 per ton for distances up to 15 miles.  
\$1.00 per ton for distances between 15 and 25 miles.

\$1.50 per ton for distances between 25 and 40 miles.

For distances over 40 miles, \$1.50 per ton plus 1¢ per ton per mile in excess of 40 miles.

(2) For less than carload shipments to consumer's nearest railroad, an additional charge may be made equal to the transportation cost in excess of the carload rate.

**II. Nitrogenous fertilizer materials.** (a) Cash (payment within 10 days after delivery) prices per ton for nitrogenous fertilizer materials in bags shall be:

(1) F. o. b. the nearest wholesale price basing point as specified:

16-0-0	imported nitrate of soda	\$37.00 f. o. b. nearest port
16-0-0	domestic nitrate of soda	\$4.00 f. o. b. Hopewell, Virginia
14-0-0	domestic nitrate of soda	30.00 f. o. b. Holston, Tennessee
14-0-14	nitrate of soda-potash	46.00 f. o. b. nearest port
20.5-0-0	sulphate of ammonia	36.20 f. o. b. nearest port or \$35.20 f. o. b. nearest producing point, whichever results in the lowest delivered price.
20.5-0-0	ammonium nitrate-lime-compound	36.50 f. o. b. Hopewell, Virginia
20.6-0-0	calcium cyanamide	42.25 f. o. b. Niagara Falls, Ontario, Canada
32.5 (or higher)-0-0	ammonium nitrate	55.00 f. o. b. nearest producing point
42-0-0	urea compound	66.40 f. o. b. nearest port

[Table amended by Am. 3, 10 F.R. 1402, effective 2-6-45]

(2) Plus the cost of tax tags and the attaching thereof,

(3) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery,

(4) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

(b) To determine the time price, add 10 per cent to the cash price. Interest may be

charged from May 1 on spring shipments and from December 1 on fall shipments at the rate per annum of 6 per cent in Mississippi and 8 per cent in Louisiana.

[Part II amended by Am. 2, 9 F.R. 13974, effective 11-28-44]

**SCHEDULE K—FOR CONSUMERS LOCATED IN LOUISIANA (WEST OF THE MISSISSIPPI RIVER), ARKANSAS, TEXAS, NEW MEXICO AND OKLAHOMA (EXCEPT COUNTIES OF CIMARRON, TEXAS, BEAVER, HARPER, WOODS, ALFALFA, GRANT, KAY, OSAGE, WASHINGTON, NOWATA, CRAIG, OTTAWA AND DELAWARE. THESE COUNTIES TAKE KANSAS PRICES AND TERMS IN SCHEDULE N)**

**I. Mixed fertilizer, superphosphate and potash.** (a) Delivered to railroad or warehouse base prices for goods in 100-pound paper bags.

**Column I.** Consumers in Louisiana (west of the Mississippi River), Arkansas, Oklahoma, (except counties of Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Osage, Washington, Nowata, Craig, Ottawa and Delaware), eastern Texas (except areas in Columns II and III).

**Column II.** Consumers in Texas (Rio Grande Valley and Winter Garden Area: counties south of and including Maverick, Zavala, Frio, Atascosa, Live Oak and San Patricio).

**Column III.** Consumers in New Mexico, western Texas (counties west of and including Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards and Kinney).

Grade	Price per ton		
	I	II	III
12-15-0	\$52.40	\$54.40	\$55.40
12-8-0	43.40	44.40	45.40
12-0-12	46.40	48.40	49.40
10-20-0	53.40	55.40	56.40
10-10-0	40.50	42.50	43.50
10-6-4	41.00	42.00	43.00
10-0-10	40.80	41.80	42.80
9-6-9	42.00	43.00	44.00
8-8-8	41.40	43.40	44.40
6-20-0	55.40	57.40	59.40
*6-12-6	38.00	40.00	41.00
6-12-0	34.40	36.40	37.40
6-0-6	30.00	31.00	32.00
6-8-12	40.40	41.40	42.40
6-8-8	37.40	38.40	39.40
6-8-4	34.40	35.40	36.40
5-10-5	34.00	35.00	36.00
4-16-0	33.40	34.40	35.40
4-12-8	30.40	31.40	32.40
4-12-4	33.40	34.40	35.40
4-12-0	30.40	31.40	32.40
4-10-0	29.80	30.80	31.80
4-8-8	33.40	34.40	35.40
3-12-12	37.40	38.40	39.40
3-12-6	32.00	34.00	35.00
3-9-18	39.00	40.00	41.00
2-12-6	30.80	31.80	32.80
0-14-7	29.20	31.20	32.20
0-12-12	31.40	32.40	33.40
0-10-20	35.80	36.80	37.80
0-45-0	54.80	56.80	57.80
0-20-0	25.80	27.80	28.80
0-10-0	25.40	27.40	28.40
0-18-0	21.60	23.60	24.60
0-0-60 muriate of potash	51.20	53.20	54.20
0-0-50 muriate of potash	45.80	47.80	48.80
0-0-52 sulphate of potash	59.00	61.00	62.00
0-0-50 sulphate of potash	57.40	59.40	60.40
0-0-48 sulphate of potash	55.80	57.80	58.80
0-0-21.5 sulphate of potash-magnesia	45.80	47.80	48.80
0-0-30 manure salts	32.00	34.00	35.00
0-0-25 manure salts	30.80	32.80	33.80
0-0-22 manure salts	27.80	29.80	30.80

[Table amended by Am. 2, 9 F.R. 13974, effective 11-28-44. \*Prices added; \*\*Item added by Am. 4, effective 11-26-45]

(b) **Terms.** (1) The base price, after making appropriate additions and deductions provided for in the general provisions of this appendix, is the price for sales sight draft, SD/BL, c. o. d., cash in advance or cash within 10 days after delivery.

(2) To determine the time prices, add 11 per cent to the cash prices. Interest may be charged from December 1 on fall shipments and from May 1 on spring shipments at the rate of 8 per cent per annum (10 per cent per annum after maturity in Oklahoma, Texas and New Mexico only).

[Subparagraph (2) amended by Am. 2, 9 F.R. 13974, effective 11-23-44]

(c) *Delivery.* (1) When delivery is taken at a factory, whether or not such factory is located in the area covered in Schedule K, deduct the following amounts from the cash or time prices for the shortest highway mileage from factory to railroad or dealer's warehouse nearest consumer's premises:

\$0.75 per ton for distances up to 15 miles.

\$1.00 per ton for distances between 15 and 25 miles.

\$1.50 per ton for distances between 25 and 40 miles.

For distances over 40 miles, \$1.50 per ton plus 1¢ per ton per mile in excess of 40.

(2) For less than carload shipments to consumer's nearest railroad, an additional charge may be made equal to the transportation cost in excess of the carload rate.

II. *Nitrogenous fertilizer materials.* (a) Cash (payment within 10 days after delivery) prices per ton for nitrogenous fertilizer materials in bags shall be:

(1) F. o. b. the nearest wholesale price basing point as specified:

16-0-0 imported nitrate of soda	\$37.00 f. o. b. nearest port
16-0-0 domestic nitrate of soda	34.00 f. o. b. Hopewell, Virginia
14-0-0 domestic nitrate of soda	30.00 f. o. b. Holston, Tennessee
14-0-14 nitrate of soda-potash	46.00 f. o. b. nearest port
20.5-0-0 sulphate of ammonia	36.20 f. o. b. nearest port or \$35.20 f. o. b. nearest producing point, whichever results in the lowest delivered price.
20.5-0-0 ammonium nitrate-lime-compound	\$36.50 f. o. b. Hopewell, Virginia
20.6-0-0 calcium cyanamide	42.25 f. o. b. Niagara Falls, Ontario, Canada
32.5 (or higher)-0-0 ammonium nitrate	55.00 f. o. b. nearest producing point
42-0-0 urea compound	66.40 f. o. b. nearest port

[Table amended by Am. 3, 10 F.R. 1402, effective 2-6-45]

(2) Plus the cost of tax tags and the attaching thereof.

(3) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(4) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

(b) To determine the time price, add 11 per cent to the cash price. Interest may be charged at rates and from dates as specified in I (b) (2) above.

[Part II amended by Am. 2, 9 F.R. 13974, effective 11-23-44]

#### SCHEDULE L—FOR CONSUMERS LOCATED IN TENNESSEE

I. *Mixed fertilizer, superphosphate and potash.* (a) Delivered to railroad or warehouse base prices for goods in 100-pound paper bags:

Grade:	Price per ton
*12-0-12	\$45.80
10-6-4	39.80
8-5-5	35.70
7-7-7	37.00
*6-8-8	36.50
6-8-4	33.10
5-10-5	33.50

Grade:	Price per ton
5-5-10	33.50
4-16-0	32.10
4-12-4	32.30
4-8-12	35.80
4-8-8	32.50
*3-9-18	39.70
3-9-6	29.50
2-12-6	29.80
0-14-7	23.30
0-14-4	25.70
0-12-12	30.80
0-20-0	23.30
0-19-0	22.70
0-18-0	21.80
0-0-60 muriate of potash	55.10
0-0-50 muriate of potash	49.50
0-0-30 manure salts	35.70
0-0-25 manure salts	34.50
0-0-52 sulphate of potash	62.80
0-0-50 sulphate of potash	61.20
0-0-48 sulphate of potash	59.50
0-0-21.5 sulphate of potash-magnesia	49.50

[\*Items added by Am. 4, effective 11-20-45]

(b) *Terms.* (1) The base price, after making the appropriate additions and deductions provided for in the general provisions of this appendix, is the price for sales sight draft, SD/BL, c. o. d., or cash in advance.

(2) To determine the time price, add 11% to the base price. Interest may be charged at the rate of 6% per annum from the date of delivery of the goods.

(c) *Delivery.* (1) When delivery is taken at a factory, whether or not such factory is located in the area covered in Schedule L, deduct the following amounts from the cash or time prices for the shortest highway mileage from factory to railroad or dealer's warehouse nearest to consumer's premises:

\$0.75 per ton for distances up to 10 miles.  
\$1.10 per ton for distances between 10 and 15 miles.

\$1.20 per ton for distances between 15 and 20 miles.

\$1.25 per ton for distances between 20 and 25 miles.

\$1.35 per ton for distances between 25 and 30 miles.

\$1.40 per ton for distances between 30 and 35 miles.

\$1.50 per ton for distances between 35 and 40 miles.

For distances over 40 miles, \$1.50 plus 1¢ per ton per mile in excess of 40 miles.

(2) For less than carload shipments to consumer's nearest railroad, an additional charge may be made equal to the transportation cost in excess of the carload rate.

II. *Nitrogenous fertilizer materials.* (a) Cash (payment upon delivery) prices per ton for nitrogenous fertilizer materials in bags shall be:

(1) F. o. b. the nearest wholesale price basing point as specified:

16-0-0 imported nitrate of soda	\$37.00 f. o. b. nearest port
16-0-0 domestic nitrate of soda	34.00 f. o. b. Hopewell, Virginia
14-0-0 domestic nitrate of soda	30.00 f. o. b. Holston, Tennessee
14-0-14 nitrate of soda-potash	40.00 f. o. b. nearest port
20.5-0-0 sulphate of ammonia	36.20 f. o. b. nearest port or \$35.20 f. o. b. nearest producing point, whichever results in the lowest delivered price.
20.5-0-0 ammonium nitrate-lime-compound	\$36.50 f. o. b. Hopewell, Virginia
20.6-0-0 calcium cyanamide	42.25 f. o. b. Niagara Falls, Ontario, Canada
32.5 (or higher)-0-0 ammonium nitrate	55.00 f. o. b. nearest producing point
42-0-0 urea compound	66.40 f. o. b. nearest port

[Table amended by Am. 3, 10 F.R. 1402, effective 2-6-45]

(2) Plus the cost of tax tags and the attaching thereof.

(3) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(4) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

(b) To determine the time price, add 11 per cent to the cash price. Interest may be charged at the rate of 6 per cent per annum from the date of delivery of the goods.

[Part II amended by Am. 2, 9 F.R. 13974, effective 11-23-44]

#### SCHEDULE M—FOR CONSUMERS LOCATED IN KENTUCKY

(a) *Delivered-to-railroad or warehouse base prices for goods in 100-pound paper bags:*

Grade:	Price per ton
10-6-4	\$42.10
8-8-8	43.10
6-8-6	37.30
5-10-10	40.40
*5-10-5	36.10
4-16-0	34.90
4-12-3	33.30
4-12-4	34.90
4-12-0	31.50
3-12-9	43.10
3-12-12	39.60
3-8-6	32.00
2-12-6	32.60
0-20-27	51.10
0-20-10	33.60
0-14-7	31.10
0-12-12	33.50
0-45-0	54.50
0-20-0	25.00
0-19-0	24.70
0-18-0	23.40
0-0-60 muriate of potash	55.50
0-0-50 muriate of potash	50.40
0-0-53 sulphate of potash	63.40
0-0-59 sulphate of potash	61.70
0-0-48 sulphate of potash	60.00
0-0-25 manure salts	35.40
0-0-24 manure salts	34.40
0-0-23 manure salts	33.40
0-0-21.5 sulphate of potash-magnesia	50.40
42-0-0 urea compound <sup>1</sup>	81.00
32.5-0-0 domestic ammonium nitrate <sup>1</sup>	67.00
33.5-0-0 imported ammonium nitrate <sup>1</sup>	63.70
32.5-0-0 imported ammonium nitrate <sup>1</sup>	62.00
20.6-0-0 calcium cyanamide <sup>1</sup>	56.00
20.5-0-0 ammonium nitrate-lime compound <sup>1</sup>	53.00
20.5-0-0 sulphate of ammonia <sup>1</sup>	46.00
16-0-0 nitrate of soda <sup>1</sup>	59.00
14-0-0 nitrate of soda <sup>1</sup>	44.00

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices.

[Footnote amended by Am. 2, effective 11-23-44]

[Table amended by Am. 2, 9 F.R. 13974, effective 11-23-44 and Am. 3, 10 F.R. 1402, effective 2-6-45. \*Item added by Am. 4, effective 11-26-45]

(b) *Terms.* (1) On sales sight draft, SD/BL, c. o. d., or cash in advance, deduct 5% from the time price.

(2) The base price, after making the appropriate additions or deductions, provided for in the general provisions of this appendix, shall be the time price. Interest may be charged at the rate of 6% per annum from the date of delivery of the goods.

(c) *Delivery.* (1) When delivery is taken at a factory, whether or not such factory is located in the area covered in Schedule M, deduct the following amounts from the cash or time prices for the shortest highway mileage from factory to railroad or dealer's warehouse nearest to consumer's premises:

\$0.75 per ton for distances up to 10 miles.  
\$1.10 per ton for distances between 10 and 15 miles.  
\$1.20 per ton for distances between 15 and 20 miles.  
\$1.25 per ton for distances between 20 and 25 miles.  
\$1.35 per ton for distances between 25 and 30 miles.  
\$1.40 per ton for distances between 30 and 35 miles.

SCHEDULE N—FOR CONSUMERS LOCATED IN OHIO, INDIANA, MICHIGAN, ILLINOIS, WISCONSIN, IOWA, MISSOURI, MINNESOTA, NEBRASKA, KANSAS, NORTH DAKOTA, SOUTH DAKOTA AND OKLAHOMA (COUNTIES EXCEPTED IN SCHEDULE K)

(a) *Delivered-to-railhead or warehouse*  
base prices per ton for goods in 80 or 100-pound paper bags for consumers located in the following states:

Grade	Ohio	Indiana	Illinois	Michigan		Wisconsin
				S. P.	N. P.	
10-6-4	\$41.75	\$42.10	\$42.60	\$41.75	\$44.00	\$43.70
8-8-8	42.25	42.60	43.10	42.25	45.40	44.20
8-10-10	43.00	43.35	43.85	43.00	46.15	44.95
8-12-12	43.75	44.10	44.60	43.75	46.90	45.70
8-14-14	44.50	44.85	45.35	44.50	47.65	46.45
8-16-16	45.25	45.60	46.10	45.25	48.40	47.20
8-18-18	46.00	46.35	46.85	46.00	49.15	47.95
8-20-20	46.75	47.10	47.60	46.75	49.90	48.70
8-22-22	47.50	47.85	48.35	47.50	50.65	49.45
8-24-24	48.25	48.60	49.10	48.25	51.40	50.20
8-26-26	49.00	49.35	49.85	49.00	52.15	50.95
8-28-28	49.75	50.10	50.60	49.75	52.90	51.70
8-30-30	50.50	50.85	51.35	50.50	53.65	52.45
8-32-32	51.25	51.60	52.10	51.25	54.40	53.20
8-34-34	52.00	52.35	52.85	52.00	55.15	53.95
8-36-36	52.75	53.10	53.60	52.75	55.90	54.70
8-38-38	53.50	53.85	54.35	53.50	56.65	55.45
8-40-40	54.25	54.60	55.10	54.25	57.40	56.20
8-42-42	55.00	55.35	55.85	55.00	58.15	56.95
8-44-44	55.75	56.10	56.60	55.75	58.90	57.70
8-46-46	56.50	56.85	57.35	56.50	59.65	58.45
8-48-48	57.25	57.60	58.10	57.25	60.40	59.20
8-50-50	58.00	58.35	58.85	58.00	61.15	59.95
8-52-52	58.75	59.10	59.60	58.75	61.90	60.70
8-54-54	59.50	59.85	60.35	59.50	62.65	61.45
8-56-56	60.25	60.60	61.10	60.25	63.40	62.20
8-58-58	61.00	61.35	61.85	61.00	64.15	62.95
8-60-60	61.75	62.10	62.60	61.75	64.90	63.70
8-62-62	62.50	62.85	63.35	62.50	65.65	64.45
8-64-64	63.25	63.60	64.10	63.25	66.40	65.20
8-66-66	64.00	64.35	64.85	64.00	67.15	65.95
8-68-68	64.75	65.10	65.60	64.75	67.90	66.70
8-70-70	65.50	65.85	66.35	65.50	68.65	67.45
8-72-72	66.25	66.60	67.10	66.25	69.40	68.20
8-74-74	67.00	67.35	67.85	67.00	70.15	68.95
8-76-76	67.75	68.10	68.60	67.75	70.90	69.70
8-78-78	68.50	68.85	69.35	68.50	71.65	70.45
8-80-80	69.25	69.60	70.10	69.25	72.40	71.20
8-82-82	70.00	70.35	70.85	70.00	73.15	71.95
8-84-84	70.75	71.10	71.60	70.75	73.90	72.70
8-86-86	71.50	71.85	72.35	71.50	74.65	73.45
8-88-88	72.25	72.60	73.10	72.25	75.40	74.20
8-90-90	73.00	73.35	73.85	73.00	76.15	74.95
8-92-92	73.75	74.10	74.60	73.75	76.90	75.70
8-94-94	74.50	74.85	75.35	74.50	77.65	76.45
8-96-96	75.25	75.60	76.10	75.25	78.40	77.20
8-98-98	76.00	76.35	76.85	76.00	79.15	77.95
8-100-100	76.75	77.10	77.60	76.75	79.90	78.70
8-102-102	77.50	77.85	78.35	77.50	80.65	79.45
8-104-104	78.25	78.60	79.10	78.25	81.40	80.20
8-106-106	79.00	79.35	79.85	79.00	82.15	80.95
8-108-108	79.75	80.10	80.60	79.75	82.90	81.70
8-110-110	80.50	80.85	81.35	80.50	83.65	82.45
8-112-112	81.25	81.60	82.10	81.25	84.40	83.20
8-114-114	82.00	82.35	82.85	82.00	85.15	83.95
8-116-116	82.75	83.10	83.60	82.75	85.90	84.70
8-118-118	83.50	83.85	84.35	83.50	86.65	85.45
8-120-120	84.25	84.60	85.10	84.25	87.40	86.20
8-122-122	85.00	85.35	85.85	85.00	88.15	86.95
8-124-124	85.75	86.10	86.60	85.75	88.90	87.70
8-126-126	86.50	86.85	87.35	86.50	89.65	88.45
8-128-128	87.25	87.60	88.10	87.25	90.40	89.20
8-130-130	88.00	88.35	88.85	88.00	91.15	89.95
8-132-132	88.75	89.10	89.60	88.75	91.90	90.70
8-134-134	89.50	89.85	90.35	89.50	92.65	91.45
8-136-136	90.25	90.60	91.10	90.25	93.40	92.20
8-138-138	91.00	91.35	91.85	91.00	94.15	92.95
8-140-140	91.75	92.10	92.60	91.75	94.90	93.70
8-142-142	92.50	92.85	93.35	92.50	95.65	94.45
8-144-144	93.25	93.60	94.10	93.25	96.40	95.20
8-146-146	94.00	94.35	94.85	94.00	97.15	95.95
8-148-148	94.75	95.10	95.60	94.75	97.90	96.70
8-150-150	95.50	95.85	96.35	95.50	98.65	97.45
8-152-152	96.25	96.60	97.10	96.25	99.40	98.20
8-154-154	97.00	97.35	97.85	97.00	100.15	98.95
8-156-156	97.75	98.10	98.60	97.75	100.90	99.70
8-158-158	98.50	98.85	99.35	98.50	101.65	100.45
8-160-160	99.25	99.60	100.10	99.25	102.40	101.20
8-162-162	100.00	100.35	100.85	100.00	103.15	101.95
8-164-164	100.75	101.10	101.60	100.75	103.90	102.70
8-166-166	101.50	101.85	102.35	101.50	104.65	103.45
8-168-168	102.25	102.60	103.10	102.25	105.40	104.20
8-170-170	103.00	103.35	103.85	103.00	106.15	104.95
8-172-172	103.75	104.10	104.60	103.75	106.90	105.70
8-174-174	104.50	104.85	105.35	104.50	107.65	106.45
8-176-176	105.25	105.60	106.10	105.25	108.40	107.20
8-178-178	106.00	106.35	106.85	106.00	109.15	107.95
8-180-180	106.75	107.10	107.60	106.75	110.00	108.70
8-182-182	107.50	107.85	108.35	107.50	110.75	109.45
8-184-184	108.25	108.60	109.10	108.25	111.50	110.20
8-186-186	109.00	109.35	109.85	109.00	112.25	110.95
8-188-188	109.75	110.10	110.60	109.75	113.00	111.70
8-190-190	110.50	110.85	111.35	110.50	113.75	112.45
8-192-192	111.25	111.60	112.10	111.25	114.50	113.20
8-194-194	112.00	112.35	112.85	112.00	115.25	113.95
8-196-196	112.75	113.10	113.60	112.75	116.00	114.70
8-198-198	113.50	113.85	114.35	113.50	116.75	115.45
8-200-200	114.25	114.60	115.10	114.25	117.50	116.20
8-202-202	115.00	115.35	115.85	115.00	118.25	116.95
8-204-204	115.75	116.10	116.60	115.75	119.00	117.70
8-206-206	116.50	116.85	117.35	116.50	119.75	118.45
8-208-208	117.25	117.60	118.10	117.25	120.50	119.20
8-210-210	118.00	118.35	118.85	118.00	121.25	119.95
8-212-212	118.75	119.10	119.60	118.75	122.00	120.70
8-214-214	119.50	119.85	120.35	119.50	122.75	121.45
8-216-216	120.25	120.60	121.10	120.25	123.50	122.20
8-218-218	121.00	121.35	121.85	121.00	124.25	122.95
8-220-220	121.75	122.10	122.60	121.75	125.00	123.70
8-222-222	122.50	122.85	123.35	122.50	125.75	124.45
8-224-224	123.25	123.60	124.10	123.25	126.50	125.20
8-226-226	124.00	124.35	124.85	124.00	127.25	125.95
8-228-228	124.75	125.10	125.60	124.75	128.00	126.70
8-230-230	125.50	125.85	126.35	125.50	128.75	127.45
8-232-232	126.25	126.60	127.10	126.25	129.50	128.20
8-234-234	127.00	127.35	127.85	127.00	130.25	128.95
8-236-236	127.75	128.10	128.60	127.75	131.00	129.70
8-238-238	128.50	128.85	129.35	128.50	131.75	130.45
8-240-240	129.25	129.60	130.10	129.25	132.50	131.20
8-242-242	130.00	130.35	130.85	130.00	133.25	131.95
8-244-244	130.75	131.10	131.60	130.75	134.00	132.70
8-246-246	131.50	131.85	132.35	131.50	134.75	133.45
8-248-248	132.25	132.60	133.10	132.25	135.50	134.20
8-250-250	133.00	133.35	133.85	133.00	136.25	134.95
8-252-252	133.75	134.10	134.60	133.75	137.00	135.70
8-254-254	134.50	134.85	135.35	134.50	137.75	136.45
8-256-256	135.25	135.60	136.10	135.25	138.50	137.20
8-258-258	136.00	136.35	136.85	136.00	139.25	137.95
8-260-260	136.75	137.10	137.60	136.75	140.00	138.70
8-262-262	137.50	137.85	138.35	137.50	140.75	139.45
8-264-264	138.25	138.60	139.10	138.25	141.50	140.20
8-266-266	139.00	139.35	139.85	139.00	142.25	140.95
8-268-268	139.75	140.10	140.60	139.75	143.00	141.70
8-270-270	140.50	140.85	141.35	140.50	143.75	142.45
8-272-272	141.25	141.60	142.10	141.25	144.50	143.20
8-274-274	142.00	142.35	142.85	142.00	145.25	143.95
8-276-276	142.75	143.10	143.60	142.75	146.00	144.70
8-278-278	143.50	143.85	144.35	143.50	146.75	145.45
8-280-280	144.25	144.60	145.10	144.25	147.50	146.20
8-282-282	145.00	145.35	145.85	145.00	148.25	146.95
8-284-284	145.75	146.10	146.60	145.75	149.00	147.70
8-286-286	146.50	146.85	147.35	146.50	149.75	148.45
8-288-288	147.25	147.60	148.10	147.25	150.50	149.20



**North Dakota.** Prices in the tables above apply to delivery in the counties of Pembina, Walsh, Grand Forks, Cass, Richland and Traill and counties east thereof.

**South Dakota.** Prices in the tables above apply to delivery in the counties of McPherson, Faulk, Edmunds, Hyde, Buffalo, Burle and Charles Mix and counties east thereof.

**Western North and South Dakota.** For the area west of the counties listed above, add the carload rate of freight in excess of \$5.00 per ton from Chicago to destination, divided by .82, to the prices in the tables for eastern North and South Dakota.

(b) **Terms.** (1) The base price, after making the appropriate additions and deductions provided for in the general provisions of this appendix, shall be the time price. Interest may be charged at the legal rate from the date of delivery of the goods.

(2) On sales sight draft, SD/EL, c. o. d., or cash in advance, deduct 5% from the time price.

(c) **Delivery.** (1) For deliveries taken at a factory, whether or not such factory is located in the area covered in Schedule N, deduct the lowest carload rail rate per ton on the commodity from factory to railhead nearest to consumer's premises.

(2) For less-than-carload shipments, add the difference between the carload and less-than-carload rate of freight.

**SCHEDULE O—FOR CONSUMERS LOCATED IN IDAHO, WYOMING, NEVADA, COLORADO, UTAH, MONTANA.**

(a) **Delivered-to-railhead or warehouse base prices for goods in 100-pound paper bags:**

Grade:	Price per ton
17-12-0	\$67.20
17-4-4	61.20
12-12-0	57.20
11-22-0	68.20
10-20-0	61.00
10-18-5	63.30
10-16-8	62.20
10-12-14	62.00
10-10-5	54.50
10-10-0	51.00
8-8-4	47.60
6-30-0	64.00
6-12-0	45.20
6-10-4	45.80
5-10-20	55.00
5-10-10	48.00
5-10-5	44.50
5-6-8	42.20
4-24-4	57.20
4-24-0	54.40
4-16-4	48.40
4-12-8	46.80
4-12-4	44.00
3-10-20	51.00
3-10-10	44.00
*2-20-20	60.00
0-12-20	47.20
0-43-0	52.00
0-18-0	30.50
0-0-60 muriate of potash	55.00
0-0-51 sulphate of potash	65.00
16-20-0 ammonium phosphate	65.00
11-48-0 ammonium phosphate	75.00
33.5-0-0 ammonium nitrate	81.80
32.5-0-0 ammonium nitrate	80.00
20.5-0-0 sulphate of ammonia	49.00
16-0-0 nitrate of soda	53.00

[\*Item added by Am. 4, effective 11-26-45]  
[Table amended by Am. 2, 9 F.R. 13974, effective 11-28-44 and Am. 3, 10 F.R. 1402, effective 2-6-45. Headnote amended by Am. 2]

**Special ingredients.** For specified quantities of the following ingredients (except in premium brands) there may be added to the above prices as follows:

	Per unit
Potash from sulphate	\$0.30

	Per pound
Copper sulphate	\$0.07
Manganese sulphate	.06
Borax	.05
Elemental sulphur	.03
Zinc sulphate	.05
Iron sulphate	.04

(b) **Terms.** (1) The base price, after the appropriate additions or deductions provided for in the general provisions of this appendix, shall be the cash price.

(2) To determine the time price, add \$3.00 per ton to the cash price. Interest may be charged at the legal rate from date of delivery.

(c) **Delivery.** (1) The base prices in (a) above are for sales in carload lots delivered to the consumer's railroad station or for sales in any quantity f. o. b. warehouses other than at factory points, except that where transportation cost from the dealer's nearest rail siding to his warehouse exceeds \$1.00 per ton, such excess cost may be added.

(2) For sales f. o. b. factory, deduct from the base prices in (a) above the carload rail rate per ton from factory to consumer's nearest railroad station.

(3) If delivery is made in less-than-carload lots, the cost of transportation in excess of the carload rail rate may be added.

[Former subparagraph (1) revoked and former subparagraphs (2), (3) and (4) redesignated as (1), (2) and (3) by Am. 4, effective 11-26-45]

[Paragraph (c) amended by Am. 2, 9 F.R. 13974, effective 11-28-44 and as otherwise noted]

**SCHEDULE P—FOR CONSUMERS LOCATED IN WASHINGTON AND OREGON**

(a) **Base prices for goods in 100-pound paper bags f. o. b. Seattle, Tacoma or Portland:**

Grade:	Price per ton
17-12-0	\$71.00
17-4-4	63.80
12-12-0	59.75
10-20-0	65.25
10-16-8	65.85
10-10-5	59.80
10-10-0	53.80
6-30-0	63.60
6-10-4	47.30
5-10-20	55.00
5-10-10	49.00
5-6-8	42.60
4-16-0	47.00
4-12-8	47.20
4-12-4	44.80
3-10-20	51.00
3-10-10	44.00
0-12-20	46.00
0-43-0	54.70
0-18-0	31.50
0-0-60 muriate of potash	59.40
0-0-51 sulphate of potash	66.00
16-20-0 ammonium phosphate	69.00
11-48-0 ammonium phosphate	63.00
42-0-0 urea compound	83.50
33.5-0-0 ammonium nitrate	80.80
32.5-0-0 ammonium nitrate	79.00
20.5-0-0 sulphate of ammonia	48.60
16-0-0 nitrate of soda	44.00

[Footnote 1 deleted by Am. 2, effective 11-28-44]

[Table amended by Am. 3, 10 F.R. 1402, effective 2-6-45]

**Special ingredients.** For specified quantities of the following ingredients (except in premium brands) there may be added to the above prices as follows:

	Per unit
Potash from sulphate	\$0.40
Synthetic organic nitrogen	.75
Natural organic nitrogen	4.25

[Undesignated paragraph deleted by Am. 2, effective 11-28-44]

(b) **Terms.** (1) The base price, after making the appropriate additions or deduc-

tions provided for in the general provisions of this Appendix, are consumers' time prices. Interest may be added at the rate of 8% per annum from 30 days after date of delivery.

(2) For cash payment, c. o. d., cash with order or SD/EL sales deduct 5 per cent from the prices specified in the table in paragraph (a) above.

(c) **Delivery.** (1) **Direct shipments.** On direct shipments of nitrate of soda, sulphate of ammonia, ammonium nitrate, urea compound and ammonium phosphate from point of production or port of entry, when consumer takes delivery at car door, deduct \$2.00 per ton from the delivered price as otherwise determined.

(2) **Less-than-carloads.** \$1.00 per ton may be added for lots of 5 tons or more and \$2.00 per ton for lots of less than 5 tons when shipped by rail at less-than-carload rail rates.

[Subparagraph (2) amended by Am. 4, effective 11-26-45]

[Paragraphs (b) (2) and (c) amended by Am. 2, 9 F.R. 13974, effective 11-28-44]

**SCHEDULE Q—FOR CONSUMERS LOCATED IN CALIFORNIA**

(a) **Delivered base prices for goods in 100-pound paper bags.**

**Column I.** Consumers in counties of Los Angeles, Orange, San Bernardino, Riverside (part west of Hemet), Contra Costa, Alameda and San Francisco.

**Column II.** Consumers in counties of Imperial, San Diego, Ventura, Santa Barbara (except Cuyama Valley), Riverside (Hemet and east thereof), Marin, Sonoma, Napa, Yolo, Solano, Sacramento, Sutter, Colusa, Yuba, San Joaquin, Stanislaus, Merced, Santa Clara, San Mateo and Santa Cruz.

**Column III.** Consumers in that part of California not covered in Columns I and II.

[Paragraph (a) amended by Am. 1, 9 F.R. 8411, effective 8-1-44; and Am. 2, effective 11-28-44]

Grade	Price per ton		
	I	II	III
0-10-8	\$23.00	\$30.00	\$40.00
0-10-12	43.10	44.10	44.00
2-10-8	43.40	44.40	44.00
4-0-8	43.50	44.50	43.00
4-10-10	50.00	51.00	51.20
4-12-4	45.00	45.00	47.40
4-16-0	45.10	47.10	47.00
4-18-18	67.20	63.20	63.70
5-12-5	42.50	50.50	50.70
5-16-0	53.00	56.00	57.10
6-0-0	42.20	50.20	50.70
6-10-4	43.20	49.20	49.70
6-12-8	54.00	53.00	56.10
6-16-0	50.00	57.00	53.40
8-0-12	50.10	51.10	51.00
8-0-8	62.50	53.50	54.00
8-8-4	59.50	51.50	52.00
8-10-12	61.10	62.10	62.00
10-5-5	52.80	53.80	54.20
10-5-10	53.00	53.00	59.50
10-10-0	53.00	54.00	54.00
10-10-5	53.25	53.25	59.75
10-12-10	53.70	60.70	67.20
10-16-8	63.00	63.00	69.00
10-20-0	64.00	63.00	63.00
12-6-0	73.10	54.10	54.00
12-0-14	61.20	62.20	62.70
14-0-8	72.40	60.40	60.50
15-8-4	63.25	67.25	67.75
17-7-0	65.20	65.50	67.00
0-19-0	27.75	23.75	29.25
0-43-0	62.00	53.00	54.00
0-0-60 sulphate	67.00	63.00	53.50
0-0-60 muriate	61.50	62.50	53.00
16-0-0 nitrate of soda	45.50	47.50	47.00
*20.5-0-0 calcium cyanamide	67.00	63.00	63.50
20.5-0-0 sulphate of ammonia	60.00	61.00	51.50
33.5-0-0 ammonium nitrate	82.00	83.20	83.80
32.5-0-0 ammonium nitrate	80.50	81.50	82.00
42-0-0 urea compound	80.00	91.00	91.50
11-48-0 ammonium phosphate	70.50	71.50	72.00
16-20-0 ammonium phosphate	60.50	61.50	62.00

[Above table amended by Am. 1, 9 F.R. 8411, effective 8-1-44 and Am. 3, 10 F.R. 1402, effective 2-6-45. \*Item added by Am. 4, effective 11-26-45]

**Special ingredients.** For specified quantities of the following ingredients (except in premium brands) there may be added to the above prices as follows:

	Per unit
Synthetic organic nitrogen.....	\$0.75
Natural organic nitrogen.....	4.25
Water-soluble magnesium oxide:	
From Epsom salts.....	2.50
From other sources.....	.80
	Per pound
Sulphur.....	\$0.02
Copper sulphate.....	.07
Borax.....	.05
Zinc sulphate.....	.05
Iron sulphate.....	.04
Aluminum sulphate.....	.04
Manganese sulphate.....	.05

[Table amended by Am. 2, 9 F.R. 13974, effective 11-28-44]

For potash from muriate, deduct 25¢ per unit.

(b) **Terms.** (1) The base prices, after making the appropriate additions or deductions provided for in the general provisions of this appendix, shall be the time prices. Interest may be charged at the legal rate after 30 days from the date of delivery.

(2) **Cash discount.** To determine the cash price, deduct from the time price 5% for cash payment within 10 days after delivery.

(c) **Delivery—(1) Delivered or f. o. b. warehouse.** Prices above are delivered to consumer's ranch in full truckloads, to consumer's nearest rail station in carloads, or f. o. b. dealer's or agent's warehouse for sales of any quantity, except that for deliveries direct from factory in the area covered by Column III, the transportation cost from the nearest factory, of the fertilizer manufacturer who supplied the fertilizer, to the consumer's ranch or rail station in excess of \$3.00 per ton, may be for the buyer's account.

(2) **F. o. b. factory.** For sales, f. o. b. the factory, deduct \$1.00 per ton from the time or cash price for the area in which the factory is located.

(3) **Less truckload deliveries.** If delivery is made to the consumer's ranch in less than truckloads, the cost of trucking in excess of the full truckload rate may be added to the price as determined in (1) above.

(4) **Materials, f. o. b. port or production point.** For sales of nitrate of soda f. o. b. truck at port of entry, or superphosphate f. o. b. truck at point of production, deduct \$2.00 per ton from the prices in Column I.

(5) **Direct shipments of fertilizer.** For sales of ordinary superphosphate, nitrate of soda and urea compound delivered in carload lots direct from the point of production or port of entry to the consumer's rail station, deduct \$2.00 per ton from the delivered price as otherwise determined herein.

For sales of triple superphosphate, sulphate of ammonia, ammonium nitrate and ammonium phosphate delivered in carload lots direct from the point of production to the consumer's rail station, deduct \$2.00 per ton from the price in Column I, except that additional freight, if any, to such point of delivery, in excess of the freight customarily absorbed by the producer of such material, may be charged to the consumer.

[Paragraph (c) amended by Am. 2, 9 F.R. 13974, effective 11-28-44]

#### SCHEDULE R—FOR CONSUMERS LOCATED IN ARIZONA

(a) **Base prices for goods in 100-pound paper bags.**

Grade:	Price per ton
4-8-0.....	\$39.10
4-12-4.....	47.70
4-16-0.....	47.90
4-19-5.....	58.45
6-10-4.....	50.00
6-12-0.....	48.00

Grade:	Price per ton
6-18-0.....	\$54.60
8-8-0.....	48.10
8-12-0.....	52.60
8-16-0.....	58.90
10-10-0.....	54.80
10-20-0.....	65.80
10-38-0.....	85.60
14-6-0.....	59.40
0-18-0 superphosphate.....	30.80
0-43-0 triple superphosphate.....	51.80
0-0-60 muriate of potash.....	53.30
0-0-51 sulphate of potash.....	58.80
16-0-0 nitrate of soda.....	49.00
*20.6-0-0 calcium cyanamide.....	65.00
20.5-0-0 sulphate of ammonia.....	51.00
33.5-0-0 ammonium nitrate.....	83.80
32.5-0-0 ammonium nitrate.....	82.00
42-0-0 urea compound.....	90.00
11-48-0 ammonium phosphate.....	72.00
16-20-0 ammonium phosphate.....	62.00

[\*Item added by Am. 4, effective 11-26-45]

**Special ingredients.** For specified quantities of the following ingredients (except in premium brands) there may be added to the above prices as follows:

	Per unit
Synthetic organic nitrogen.....	\$0.75
Natural organic nitrogen.....	4.25
Water-soluble magnesium oxide.....	.80
	Per pound
Sulphur.....	\$0.02
Copper sulphate.....	.07
Borax.....	.05
Zinc sulphate.....	.05
Iron sulphate.....	.04
Aluminum sulphate.....	.04
Manganese sulphate.....	.05

For potash from muriate, deduct 25¢ per unit.

(b) **Terms.** (1) The base prices, after making the appropriate additions or deductions provided for in the general provisions of this appendix, are the time prices. Interest may be charged at the legal rate after 30 days from the date of delivery.

(2) Deduct 5% from the time prices for cash payment within 10 days after delivery.

(c) **Delivery.** Prices above are f. o. b. Phoenix, Arizona, except that on direct shipments of triple superphosphate, nitrate of soda, sulphate of ammonia, ammonium nitrate and ammonium phosphate, when the consumer takes delivery at cardoor, the price at that point shall be \$2.00 per ton less than the f. o. b. Phoenix price. However, if the transportation cost from the producer's price basing point to the consumer's railroad station exceeds the transportation cost from the producer's price basing point to Phoenix, such excess cost may be added.

[Paragraph (c) amended by Am. 2, 9 F.R. 13974, effective 11-28-44]

#### APPENDIX B—[Revoked]

[Appendix B amended by Am. 2, 9 F.R. 13974, effective 11-28-44 and revoked by Am. 4, effective 11-26-45]

This regulation shall become effective August 1, 1944.

[2d Revised Maximum Price Regulation 135, as amended, originally issued July 26, 1944]

[Effective dates of amendments are shown in notes following parts affected]

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21147; Filed, Nov. 21, 1945; 4:14 p. m.]

#### PART 1418—TERRITORIES AND POSSESSIONS [RMPR 373, Amdt. 45]

##### FRUITS AND VEGETABLES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 373 is amended in the following respects:

1. Section 21 (c) (2) is amended to read as follows:

(2)

	Wholesale maximum price	Retail maximum price (per pound)
Carrots.....	\$3.55 per 60-pound bag.	\$0.09
Garlic.....	\$0.32 per pound net weight.	.40
Onions, dry.....	\$2.80 per 60-pound bag.	.08
Potatoes, white, size A, large.....	\$4.45 per 100-pound bag.	.08
Potatoes, sweet and yams.....	\$2.05 per 27- to 31-pound crate.	.14½
	\$4.05 per 46-pound crate.	.14½
	\$5.20 per 51-pound crate.	.14½
Rutabagas.....	\$3.85 per 40-pound bag.	.11
Tomatoes.....	\$4.10 per lug.....	.20½

2. In section 21 (d) (2) another type of melon is inserted and the prices revised as follows:

	Wholesale maximum price	Retail maximum price
Melons, Honeydew and Casaba.....	Per crate \$3.95	Per pound \$0.14

This amendment shall become effective as of October 11, 1945.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21153; Filed, Nov. 21, 1945; 4:18 p. m.]

#### PART 1418—TERRITORIES AND POSSESSIONS [RMPR 373, Amdt. 46]

##### ORANGES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Subparagraph (d) (2) of section 21 of Revised Maximum Price Regulation 373 is amended by changing the price of one item as follows:

	Wholesale maximum price	Retail maximum price
Oranges:		
252's and larger.....	Per box \$5.00	Per pound \$0.11
263's.....	4.75	.09½
344's.....	3.70	.09

\* 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9406, 9540, 9620, 9618, 9882, 9928, 10085, 10088, 10089, 10125, 10086, 10229, 10437, 11399, 11606, 11763, 12080, 12087, 12087, 12209, 12209, 12213, 12404, 12403, 12766, 12767, 12811, 12849, 13072.

This amendment shall become effective as of October 18, 1945.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21154; Filed, Nov. 21, 1945;  
4:18 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS  
[RMFR 373, Amdt. 47]

FRUITS AND VEGETABLES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 21 of Revised Maximum Price Regulation 373 is amended in the following respects:

1. Subparagraph (c) (2) is amended by adding four new items, by inserting another type of squash, and by changing the prices of six items as follows:

	Wholesale maximum price	Retail maximum price (per pound)
Cabbage.....	\$7.55 per crate.....	\$0.12
Celery.....	\$7.70 per crate.....	.19
Garlic.....	\$9.33 per lb., net content.....	.46
Lettuce.....	\$7.75 per crate.....	.18
Onions, dry.....	\$3.20 per 50-lb. bag.....	.09
Parsnips.....	\$3.85 per 50-lb. bag.....	.21½
Potatoes, sweet and yams.....	\$2.95 per 27 to 30-lb. crate, net weight.....	.14½
Potatoes, white, size A, large.....	\$4.50 per 100-lb. bag.....	.06
Rutabagas.....	\$2.95 per 50-lb. bag.....	.03½
Squash, Banana and Hubbard.....	\$7.50 per crate.....	.13
Tomatoes.....	\$5.45 per lug.....	.27

2. Subparagraph (d) (2) is amended by changing the prices of six items as follows:

	Wholesale maximum price	Retail maximum price (per pound)
Apples.....	\$5.30 per box.....	\$0.17½
Grapes.....	\$4.45 per lug.....	.23
Lemons, all sizes.....	\$7.70 per box.....	.14½
Melons, Honeydew and Cassaba.....	\$5.05 per crate.....	.17½
Oranges:		
252's and larger.....	\$6.00 per box.....	.11½
288's.....	\$6.00 per box.....	.11½
344's.....	\$6.00 per box.....	.11½
Pears.....	\$7.75 per lug.....	.25

This amendment shall become effective as of November 2, 1945.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21155; Filed, Nov. 21, 1945;  
4:18 p. m.]

PART 1384—HARDWOOD LUMBER PRODUCTS  
[MPR 568, Amdt. 6]

HARDWOOD PLYWOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 568 is amended in the following respects:

1. In section 3, the heading of that section and paragraphs (a) and (b) are amended to read as follows with paragraph (c) remaining as presently written.

SEC. 3. *Maximum f. o. b. mill prices: direct-mill sales*—(a) *Items specifically priced.* The maximum f. o. b. mill prices on direct-mill sales for hardwood plywood manufactured to specifications CS-35-42, 82-17, § B-1b or JAN-P-66, § B-1b shall be the prices set forth in section 16.

(b) *Maximum prices for hardwood plywood covered by this regulation but not specifically priced.* Hardwood plywood not covered by the tables in section 16 is, nevertheless, subject to this regulation and the maximum price for the plywood shall be established as provided in this section.

Not later than 15 days after the manufacturer accepts an order or quotes a price on an inquiry for hardwood plywood covered by this paragraph (b) the manufacturer shall file an application for price approval with the Lumber Branch of the Office of Price Administration, Washington, 25, D. C., in the manner provided below.

No person shall deliver the plywood or collect payment or a portion of the payment for such plywood unless the manufacturer of the hardwood plywood files an application for price approval as provided in this section 3 (b) within the 15-day period described above.

As soon as an application for price approval containing all of the information and attachments required by Form 6073-2575 or Form 6073-2576 appearing in subparagraphs (1) and (2) below respectively, whichever is the appropriate form, is filed by the manufacturer as required in this section, the manufacturer may use the requested price as a tentative maximum price, but all quotations, contracts, and invoices must notify the buyer that the price is subject to approval by the Office of Price Administration. If the requested price is reduced by the Office of Price Administration, the seller shall within 10 days after he receives notice of such reduction refund any excess which he may have received over the price approved by the Office of Price Administration and revise any outstanding invoices, quotations, or contracts which may exceed the approved price.

Within thirty (30) days following receipt by the Lumber Branch of the Office of Price Administration of an application which is properly filed and contains all of the information and attachments required by Form 6073-2575 or Form 6073-2576, whichever is the appropriate form, the Office of Price Administration shall transmit to the manufacturer an approval of a maximum price. If the Office

of Price Administration fails to send such price approval, the manufacturer may use as his maximum price the lesser of either:

(A) The price requested on the application, or

(B) The maximum price which the Office of Price Administration may have previously approved for that seller for the same item of plywood.

However, the maximum price in either (A) or (B) shall apply only to the one order covered by the application and only to the quantity of hardwood plywood covered by that order on the date of the application.

If the application has not been properly filed with complete information and attachments within the fifteen (15) day time limit as specified above, the requested price shall not be deemed approved even though the Office of Price Administration does not transmit an approval of a maximum price within the 30-day period described above.

Each application shall cover only one specification of hardwood plywood even though the manufacturer is fulfilling an order involving more than one specification, and each application must be complete with all attachments. The applicant must number his applications serially beginning with Number 1.

A maximum price approved by the Office of Price Administration on Form 6073-2575 for an item covered by paragraph (b) (1) shall apply only to the one order covered by the application and to subsequent sales of the identical item by that seller to the same buyer and for the same purpose as those in that order. However, a maximum price duly approved by the Office of Price Administration on Form 6073-2576 for an item covered by paragraph (b) (2) shall apply to subsequent sales by that seller of the identical item of hardwood plywood unless the Office of Price Administration limits the applicability of the approved price in some manner.

A maximum price duly approved by the Office of Price Administration, under this section 3 (b) may subsequently be reduced by the Office of Price Administration in regard to shipments made subsequent to a date specified by that Office, but such date shall not be earlier than the date of the notice of the reduction.

(1) *Technical hardwood plywood.* For hardwood plywood manufactured according to Specification AN-NN-P-511b, AN-P-69, 72-48, 39-P-15 (Int.), 82-17, §§ B-1c and B-1d, (Marine and Hutment grades), JAN-P-66, §§ B-1c, B-1d and B-1e, (Marine, Hutment and Fire Retardant grades), or JEG-11, an application for price approval shall be considered only, (A), on sales or quotations to the United States or any agency thereof, or, (B), on sales or quotations to a buyer who indicates or shows to the satisfaction of the Office of Price Administration that the particular specification of hardwood plywood is required for the particular purpose to which the plywood is put.

An application for price approval for hardwood plywood of one of the specifications named above in this subparagraph (1) shall be submitted by the manufacturer in duplicate on Form 6073-2575 reproduced below:

<sup>1</sup> 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9466, 9540, 9620, 9618, 9832, 9928, 10085, 10086, 10086, 10125, 10086, 10029, 10437, 11399, 11666, 11753, 12086, 12087, 12087, 12209, 12209, 12213, 12404, 12403, 12766, 12767, 12811, 12849, 13072.

<sup>2</sup> 9 F.R. 14233; 10 F.R. 1403, 3014, 6514.

<b>OPA Form 6073-2375</b> (9-45)	Form Approved Budget Bureau No. 63-R1505 UNITED STATES OF AMERICA OFFICE OF PRICE ADMINISTRATION Washington 25, D. C.  <b>APPROVAL OF MAXIMUM PRICE</b> <b>UNDER MPR 53 SECTION 3 (b) (1)</b>  <b>"TECHNICAL" HARDWOOD PLYWOOD</b>  File in duplicate. Send to Office of Price Administration, Lumber Branch, Washington 25, D. C.  <i>Important</i> —A true copy of customer's order or inquiry for the particular item of plywood must be attached showing all details pertinent to the item such as quantity, specifications and price, together with the order or inquiry number and date, destination and terms of sale.	OPA Application No. _____ Date submitted _____ Government Contract No. (See D below) _____ Applicant _____ Address _____ Location of manufacturing mill _____  A Customer's name _____ Order No. _____ Address _____ Order Date _____  B Specifications: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Thickness _____"</td> <td style="width: 15%;">Plies _____</td> <td style="width: 15%;">Size _____"</td> <td style="width: 15%;">Degree _____</td> <td style="width: 40%;">Manufactured to Specification No. _____</td> </tr> <tr> <td colspan="5">Type plywood (whether aircraft, marine, etc., and species and other specifications) _____</td> </tr> </table> Price at which you last sold this item prior to December 6, 1944. \$ _____ Date of this sale _____ Purpose for which the plywood described under B is to be used: _____ In Table I Below Show Costing Basis for Requested Price on This Item _____  If this item is not to be sold in fulfillment of a government contract, this particular specification of plywood is required for this particular purpose for the following reasons as required in section 3 (b) (1) (B): _____  If this exact item was not sold prior to December 6, 1944: 1 Describe a "technical" item of its nearly the same thickness, number of plies, species, size and specification number as B on which price has been approved by the Office of Price Administration under Maximum Price Regulation 53: _____ Approved price \$ _____ Application No. _____ 2 Or, if you have not received price approval from the Office of Price Administration on such a "technical" item, describe a "technical" item of as nearly the same thickness, number of plies, species, size and specification number as item B above which you sold prior to December 6, 1944: _____ Price at which you last sold this item prior to December 6, 1944 (i. e. b. mill, uncrated) \$ _____ per M/S/M _____ Date of that sale _____ In Table II Below Show Costing Basis for the Sales Prices of E-1 or E-2, whichever is Reported Above _____	Thickness _____"	Plies _____	Size _____"	Degree _____	Manufactured to Specification No. _____	Type plywood (whether aircraft, marine, etc., and species and other specifications) _____				
Thickness _____"	Plies _____	Size _____"	Degree _____	Manufactured to Specification No. _____								
Type plywood (whether aircraft, marine, etc., and species and other specifications) _____												

TABLE I		TABLE II	
Material	Face	Material	Face
	Back		Back
	Inner plies		Inner plies
	Glue		Glue
	Other		Other
	Total material		Total material
	Preparation for gluing		Preparation for gluing
	Glue and redry		Glue and redry
	Saw		Saw
	Other (explain)		Other (explain)
	Inspection and shipping		Inspection and shipping
	Total labor		Total labor
	Factory burden		Factory burden
	Total factory cost		Total factory cost
	Other burden		Other burden
	Profit		Profit
	Requested price		Total price

I certify that the information submitted in the above application is true and correct.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_  
 (Company official) Title \_\_\_\_\_ Date \_\_\_\_\_  
 A Willfully False Statement Is a Criminal Offense

Applicant Must Not Write in This Space

APPROVAL OF PRICE

Date \_\_\_\_\_

Your maximum price on hardwood plywood of the specifications stated above, on sales only to \_\_\_\_\_  
 and only when this plywood is to be used for \_\_\_\_\_  
 is \$ \_\_\_\_\_ per M/S/M, i. e. b. mill, not crated.  
 Office of Price Administration, by \_\_\_\_\_ (Signature of official) \_\_\_\_\_ (Title) \_\_\_\_\_

Applicant Must Not Write in This Space

To: \_\_\_\_\_ (Applicant)  
 Your price application No. \_\_\_\_\_ submitted under Maximum Price Regulation 53, section 3 (b) (1), was received by the Lumber Branch of the Office of Price Administration on \_\_\_\_\_. If this Office does not send notice within 30 days of this date, as required in section 3 (b), informing you of the approved price, or disapproving your requested price, or requesting further information, your requested price or, such price as may have been approved for this identical item on a previous application under section 3 (b), will be deemed approved only for the specific order or inquiry accompanying this application.  
 Office of Price Administration, by \_\_\_\_\_ (Signature of official) \_\_\_\_\_ (Title) \_\_\_\_\_

(2) *Hardwood plywood not specifically priced in Section 16, or not covered by subparagraph (1) above.* For hardwood plywood which is not covered in the tables in section 16 or in subparagraph (1) above, an application for price approval shall be submitted by the manufacturer in duplicate on Form 6073-2576, reproduced below:

OPA Form 6073-2576 (9-45)	Form Approved Budget Bureau No. 08-R1508
UNITED STATES OF AMERICA OFFICE OF PRICE ADMINISTRATION WASHINGTON 25, D. C.	
APPROVAL OF MAXIMUM PRICE UNDER MPR 608 SECTION 3 (b) (2)	
HARDWOOD PLYWOOD OTHER THAN "TECHNICAL"	
File in duplicate. Send to Office of Price Administration, Lumber Branch, P. O. B. #1, Washington 25, D. C.	OPA Application No.
	Date submitted.
	Applicant.
	Address.
	Location of manufacturing mill.

**Important.**—A true copy of customer's order or inquiry for the particular item of plywood must be attached showing all details pertinent to the item such as quantity, specifications and price, together with the order or inquiry number and date, destination and terms of sale.

## SPECIFICATIONS

Thickness	Piles	Drum sanded	Type of glue	Size	Manufactured to specification No.
....."	.....	.....	.....	....." wide x ..... " long	
Face grade of				Back grade of	

Core and other specifications.

Build-up of requested price for panel of such specifications as required above, but without special features, as can be priced under section 16 of MPR 608, complete lines 1 to 15:

	Item	Amount
1	a "Face" price, 1/4" 3 ply from tables 1, 2 or 3, or	(From table 1)
	b "Back panel" price	(From table 8)
2	For thickness over or under 1/4"	(From table 4A)
3	For piles other than 3 ply	(From table 4B)
4	For drum culling	(From table 4D)
5	Glue other than type 3	(From table 4E)
6	Texture treatment	(From table 4F)
7	Lumber core, 5 ply	(From table 4F)
8	For piles other than 5 ply, in lumber core	(From table 4F)
9	For back of a species or grade priced in tables 1, 2 or 3, but other than face	(From table 4G)
10	For face matching	(From table 4H)
11	For widths over 55"	(From table 4I)
12	For lengths over 65"	(From table 4I)
13		
14		
15	Total price from MPR 608 of panel without special features	

For additions for special features, insert the actual charge you made between October 1941 and March 1942. If you made no such charge, show full cost build-up on reverse side, using March 1942 material and labor.

16	Face
17	Other (describe)
18	
19	
20	
21	Total amount of special features (lines 16 through 20)
22	Requested price (line 15 plus line 21)

I certify that the information submitted in the above application is true and correct.

Signature..... Title..... Date.....  
(Company official)

A Willfully False Statement is a Criminal Offense

Applicant Must not Write in This Space  
APPROVAL OF PRICE

Your maximum price on hardwood plywood of the specifications stated above, for all sales to all purchasers, and subject to any further conditions given below is \$..... per M/SM, f. o. b. mill, not crated.  
Further conditions:

Office of Price Administration, by ..... (Signature of official) ..... (Title)

Applicant Must not Write in This Space

You are also authorized to use as your price for a panel of 1/4" 3 ply construction, also ..... " wide x ..... " long, with ..... grade face of ..... type 3 glue, rotary cut veneer linings of hardwood species of option of manufacturer, ..... on one side, ..... per M/SM, f. o. b. mill, not crated. To this price for the panel described for customer cases in which there are variations in construction covered by table 4, you may add the appropriate differential given in table 4.

Office of Price Administration, by ..... (Signature of official) ..... (Title)

Applicant Must not Write in This Space

To ..... (Applicant)

Your price application No. .... submitted under Maximum Price Regulation 603, section 3 (b) (2) was received by the Lumber Branch of the Office of Price Administration on ..... If this office does not send notice within 30 days of this date, as required in section 3 (b), informing you of the approved price or disapproving your requested price, or requesting further information, your requested price or, such price as may have been approved for this identical item on a previous application under section 3 (b), will be deemed approved only for the specific order or inquiry accompanying this application.

Office of Price Administration, by ..... (Signature of official) ..... (Title)



Cost Build-ups for Lines 16, 17, 18, 19 and 20 on Reverse Side

Line No.	Item	Total vendor cost
16	Flitch cost \$..... @ ..... % yield.....	\$
	Labor	
	Factory burden	
	Total factory cost	
	Other burden—using March 1942 rate	
	Profit—using March 1942 rate	
	Total addition	
17		
18		
19		
20		

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2. In section 8, paragraph (b) is deleted.

3. In section 16 (b) a new price table to be designated Table 8 is added to read as follows:

TABLE 8—HARDWOOD PANELS—BASIC PANEL—SEE NOTES BELOW

A. Requiring addition of a face to produce  $\frac{1}{4}$ " 3 ply plywood of mahogany or other imported wood or walnut of specifications other than as priced in tables 1, 2 or 3.  
(Type 3 glue; rotary cut veneer inner plies of hardwood, species at option of manufacturer; reject (grade 3) backs of hardwood, species at option of manufacturer, drum sanded on face side, widths up to 36".)

	Lengths				
	Up to 48"	Over 48" to 60"	Over 60" to 72"	Over 72" to 84"	Over 84" to 96"
a. Manufactured in zone 1.....	\$63.75	\$72.25	\$77.25	\$86.25	\$95.25
b. Manufactured in zone 2.....	102.00	112.00	120.50	129.50	139.00
c. Manufactured in zone 3.....	91.50	100.00	108.00	112.50	118.50

B. Requiring addition of a face and back to produce  $\frac{1}{4}$ " 3 ply plywood of mahogany or other imported wood, or walnut of specifications other than as priced in tables 1, 2 or 3.  
(Type 3 glue; rotary cut inner plies of hardwood, species at option of manufacturer, drum sanded 2 sides, widths up to 36".)

	Lengths				
	Up to 48"	Over 48" to 60"	Over 60" to 72"	Over 72" to 84"	Over 84" to 96"
a. Manufactured in zone 1.....	\$62.00	\$70.50	\$75.00	\$83.50	\$95.50
b. Manufactured in zone 2.....	100.50	110.50	118.50	127.00	136.50
c. Manufactured in zone 3.....	89.75	98.25	105.75	109.75	116.75

NOTE. 1. In order to price a basic panel to produce other than  $\frac{1}{4}$ " 3 ply plywood, the appropriate differentials from table 4 shall be used.

NOTE. 2. Table 8 shall be used in determining the prices for plywood with mahogany or other imported woods, or walnut face, or face and back which are not specifically priced in tables 1, 2 or 3. However, approval of the price for such plywood must be obtained in accordance with section 3 (b) of the regulation except as provided in note 3 below.

NOTE. 3. When the completed plywood is not for resale in its original form (that is, in the blank form sawn to square or rectangular form and sanded), and the customer furnishes the face or the face and back to the plywood manufacturer to produce ma-

hogany or other imported woods or walnut plywood, the applicable basic panel prices in table 8 shall be the plywood manufacturer's maximum f. o. b. mill price for that plywood to such customer.

In any transaction other than that set forth above in this note 3, when the customer furnishes the face or the face and back the manufacturer's maximum f. o. b. mill price for that plywood shall be the applicable basic panel prices in table 8. However, the maximum prices for all sellers other than the manufacturer of that plywood shall be the appropriate prices provided in section 3 or section 6. If the completed panel is not specifically priced in section 16, the manufacturer of the plywood shall apply for an approved price for the completed plywood under the provisions of section 3 (b) in order

to establish the basis on which subsequent sellers can determine their prices.

This amendment shall become effective November 26, 1945.

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21151; Filed, Nov. 21, 1945; 4:17 p. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 10,<sup>1</sup> Amdt. 6]

##### FOOD RATIONING IN THE VIRGIN ISLANDS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Ration Order 10 is amended in the following respects:

1. Sections 1407.623 (a) (1), 1407.662 (a) (1), 1407.687 and 1407.704 are hereby revoked.

This amendment shall become effective as of November 19, 1945.

Issued this 16th day of November 1945.

JACOB A. ROBLES,  
Territorial Director for  
the Virgin Islands.

Approved:

JAMES P. DAVIS,  
Regional Administrator,  
Region IX.

[F. R. Doc. 45-21145; Filed, Nov. 21, 1945; 4:15 p. m.]

#### PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 558,<sup>2</sup> Corr. to Amdt. 3]

Amendment 3 to Maximum Price Regulation 558 is corrected as follows:

In section 14, Table 4 (A) the price for the first item, Mine ties and mine switch ties—all sizes, is corrected to read "\$25.00".

This correction shall become effective November 26, 1945.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21150; Filed, Nov. 21, 1945; 4:16 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1, Amdt. 111]

##### FERTILIZER AND FERTILIZER MATERIALS

A statement of the considerations involved in the issuance of this amend-

<sup>1</sup> 10 F.R. 6515.

<sup>2</sup> 9 F.R. 14437; 10 3086, 16477.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 2.12 of Revised Supplementary Regulation No. 1 is amended by adding the following paragraph at the end thereof:

(v) Any kind of mixed fertilizer, superphosphate, potash or nitrogenous material:

(1) In tablet, capsule, liquid or gaseous form for use by consumers as such, or

(2) In granular form in packages of less than 80 pounds net weight, or

(3) In granular form in a container of any size if such container or a tag attached thereto clearly states that such fertilizer was manufactured and is offered to consumers for use on lawns, parks, golf courses, cemeteries, roadsides, flowers, bulbs, shrubs, gardens or ornamental trees or plants rather than for use on commercial field crops.

This amendment shall become effective November 26, 1945.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21149; Filed, Nov. 21, 1945;  
4:16 p. m.]

#### PART 1499—COMMODITIES AND SERVICES [SR 14C; Amdt. 14]

##### PREPARED MUSTARD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Regulation 14C is amended in the following respects:

Section 4.7 is added to read as follows:

SEC. 4.7 (a) *Maximum prices for sales by manufacturers of prepared mustard in containers of 16 ounces and over.* The manufacturer's maximum price per dozen or other unit to any class of purchaser for an item of prepared mustard in containers of 16 ounces and over shall be his maximum price under § 1499.2 of the General Maximum Price Regulation plus an increase per dozen or other unit, figured by multiplying \$0.006 by the number of ounces of mustard seed contained in the selling unit being priced.

(b) *Maximum prices for sales by wagon wholesalers of prepared mustard in containers of 16 ounces and over.* A wagon wholesaler shall figure his maximum price per dozen or other unit for each item of prepared mustard in containers of 16 ounces and over by adding to his net delivered cost a markup of 25% of such cost. These maximum prices shall be refigured on receipt of an item whenever there is any change in the net delivered cost.

A "wagon wholesaler" is one who purchases the item being priced and distributes it to retailers or to commercial, industrial, or institutional users from an

inventory stocked in trucks or other conveyances which are under the supervision of driver salesmen who make delivery at the time and place of sale. Such a wholesaler is a wagon wholesaler only for sales made in this manner.

A wagon wholesaler's "net delivered cost" means the amount he pays for the item delivered at his customary receiving point less all discounts allowed him, except the discount for prompt payment. However, no expense of local trucking or handling shall be included.

(c) *Notification of new maximum price.* With the first delivery after November 21, 1945, of any item of prepared mustard in containers of 16 ounces and over in any case where a seller determines his maximum price pursuant to this section, he shall:

(1) Supply each wholesaler and retailer who purchases from him with a written notice, as set forth below:

-----  
(Insert date)

##### NOTICE TO WHOLESALERS AND RETAILERS

Our O. P. A. ceiling price for (describe item by kind, grade, brand, and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification on and after (insert effective date of ceiling price change). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining such maximum price and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall include in each case, carton or other receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to or stating it on the invoice covering the shipment, instead of providing it with the goods.

This amendment shall become effective November 21, 1945.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21146; Filed, Nov. 21, 1945;  
4:23 p. m.]

#### PART 1499—COMMODITIES AND SERVICES [MPR 580, Amdt. 3 to Gen. Retail Order 3]

##### "HOUSE-TO-HOUSE" SALES

An opinion accompanying this Amendment 2 to General Retail Order No. 3 under section 23 of Maximum Price Regulation 580<sup>1</sup> issued simultaneously herewith has been filed with the Division of the Federal Register.

<sup>1</sup> 10 F.R. 12603.

General Retail Order No. 3 under section 23 of Maximum Price Regulation 580 is amended in the following respects:

1. Section 1 is amended by adding the following undesignated paragraph at the end thereof:

However, this order shall not apply to you if you are a "house-to-house seller." "House-to-house seller" means a retailer who in the year 1944 secured at least 75% of his dollar volume of business through the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users. A retailer is a "house-to-house seller" only with respect to articles delivered pursuant to orders which had been solicited in the manner stated above.

2. Section 2 (c) (1) is amended by adding the following sentence at the end thereof: "However, if you received an adjustment of your maximum price of that article under the provisions of § 1499.18 (a) of the General Maximum Price Regulation, your "1942 markup" is your markup over net cost of that article which you last delivered prior to October 4, 1945, computed by dividing the net cost of that article (as shown on the last invoice you received for the article prior to October 4, 1945) into the difference between that net cost and your selling price on that last delivery prior to October 4, 1945."

This amendment shall become effective November 23, 1945.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21167; Filed, Nov. 21, 1945;  
4:17 p. m.]

#### PART 1499—COMMODITIES AND SERVICES [SR 14H, Amdt. 6]

##### MAXIMUM RATES OF TRANSPORTERS OF MOTOR VEHICLES

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new section 14 is added as follows:

SEC. 14. *Modification of maximum rates for the transportation of automobiles and trucks by carriers other than common carriers.* Notwithstanding any other provisions of the General Maximum Price Regulation, maximum rates for the transportation of motor vehicles over highways, by the Driveaway, Truckaway, Towaway, and similar methods, by carriers other than common carriers, may be established or adjusted in accordance with the following procedure:

(a) The carrier and the shipper may mutually agree upon an adjusted rate or a new rate which shall be reported by the carrier to the Transportation and Public Utilities Division, Office of Price Administration within 10 days of the date of the agreement on the "rate report" form prescribed below. The reported agreed price, may not exceed the lowest level of

<sup>1</sup> 10 F.R. 1183, 2014, 4158, 7117, 7497, 7667, 9337, 9540, 9963, 10021, 11401, 12601, 12812, 13271, 13692.

rates for the "same or similar services" lawfully charged by available common or contract carriers in the same area. Rates in excess of those levels may not be established except upon a showing of substantial hardship under Supplementary Regulation 15.

Increases under this paragraph (a) may be made only where the shipper furnishes a statement to the effect that the resulting increases in transportation costs will not be used as the basis for increasing the ceiling price for the commodity or service which the shipper sells whether by reason of transportation allowances permitted in the applicable OPA maximum price regulation, petitions for amendment, or applications for adjustments or exceptions, or in any other manner, which will result in higher ceiling prices to the purchaser or consignee of the commodities.

(b) Reports filed under this Section shall contain the following information:

(1) Name and address of carrier, indicating whether an individual, partnership, or corporation.

(2) Brief description of business indicating operating authority and permit numbers.

(3) Names and addresses of customers to be served.

(4) Type of motor vehicle to be carried, as truck, passenger automobile, etc., points of origin and destination, or description of territory served, the existing or old rates, and the new rates agreed upon.

(5) Common or contract carrier rates for the same or similar service available in the same area, with reference to tariff authorities for such rates. Where such rates are available in published Tariff rates or schedules, reference to such rates or schedules will suffice.

The report must be accompanied by the shipper's statement referred to above.

(c) *Established rates become ceiling.* Any rate established under this Section becomes a ceiling and may not subsequently be redetermined under this Section, but can only be changed on specific order of OPA pursuant to an appropriate application for adjustment.

This amendment shall become effective November 21, 1945.

NOTE: All reporting requirements of this amendment have been approved by the Budget Bureau in accordance with the Federal Reports Act of 1942.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21152; Filed, Nov. 21, 1945;  
4:17 p. m.]

#### PART 1305—ADMINISTRATION [SO 126, Amdt. 9]

##### TAIL, WING AND POINTER TURKEY FEATHERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 126 is amended in the following respects:

<sup>1</sup> 10 F.R. 10200, 11348, 11512, 12919, 13071, 13110.

Section 2 (1) is amended by adding the following articles to the list contained therein:

Tail, wing, and pointer turkey feathers.

This amendment shall become effective November 21, 1945.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21157; Filed, Nov. 21, 1945;  
4:13 p. m.]

#### PART 1305—ADMINISTRATION [SO 126, Amdt. 8]

##### APPAREL AND APPAREL ACCESSORIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 126 is amended as follows:

Section 4 is added as follows:

SEC. 4. *Apparel and apparel accessories.* (a) The following articles of apparel:

Hosiery made or finished to the specifications of motion picture studios or theatrical enterprises for use exclusively in the production of motion pictures or in the presentation of theatrical productions.

This amendment shall become effective November 28, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21235; Filed, Nov. 23, 1945;  
11:42 a. m.]

#### PART 1335—CHEMICALS [MPR 597, Amdt. 1]

##### ORDINARY CHANNEL BLACK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 597 is amended in the following respects:

1. Section 4 (a) is amended to read as follows:

(a) *Applicability.* This regulation applies only to ordinary channel black (including ink and color blacks) and the following premium brands of channel black which for the purposes of this regulation shall be considered ordinary channel black: "Ex-cello X" produced by the Imperial Oil and Gas Products Company; "Uncompressed Blacks A" and "AA" produced by Charles Eneu Johnson and Company; "No. 242" produced by the Columbian Carbon Company; "Black Pearls #78" (dustless), "Monarch #78," and "Black Pearls #80" (dustless), "Spheron C," "Spheron I," produced by the Cabot Carbon Co.; "Dixie B," "Kosmos B" and "Kosmos 3 X B," produced by the United Carbon Company; "Extra Witco Uncompressed," "Witco 270," and

<sup>1</sup> 10 F.R. 10200, 11348, 11512, 12919, 13071, 13110.

"Witco R 20" produced by the Panhandle Carbon Company.

2. The following sentence is added to section 12 (b): "However, in the case of premium brands of channel black listed in section 4 (a) a reseller's maximum price for the particular brand listed shall be his maximum price established under the General Maximum Price Regulation on May 11, 1942 plus the difference between the manufacturer's current and March 1942 price per pound for the same brand in bags in carload lots."

This amendment shall become effective November 28, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21227; Filed, Nov. 23, 1945;  
11:40 a. m.]

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 477, Amdt. 14]

##### SALES OF RUBBER HEELS AND SOLES IN SHOE FACTORY AND HOME REPLACEMENT TRADES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Table I of Appendix B and the footnotes accompanying it are amended to read as follows:

TABLE I—MAXIMUM PRICES<sup>1</sup>

Type and trade	Manufacturers' prices per dozen pair <sup>2</sup>	Wholesalers' prices per dozen pair <sup>3</sup>	Retailers' prices per pair
Men's half heel:			
Q2 or standard grade.....	\$1.39	\$1.87	\$0.25
Q3 or competitive grade.....	1.10	1.55	.29
Q4 or special competitive grade.....	.85	1.15	.15
Men's whole heel:			
Q2 or standard grade.....	1.65	2.20	.30
Q3 or competitive grade.....	1.43	1.90	.23
Q4 or special competitive grade.....	1.05	1.35	.15
Boys' whole heel:			
Q2 or standard grade.....	1.59	1.95	.23
Q3 or competitive grade.....	1.16	1.55	.29
Q4 or special competitive grade.....	.85	1.15	.15
Women's scoop heel:			
Q2 or standard grade.....	1.05	1.40	.20
Q3 or competitive grade.....	.90	1.20	.15
Q4 or special competitive grade.....	.60	.90	.10
Junior heel:			
Q2 or standard grade.....	1.05	1.40	.20
Q3 or competitive grade.....	.90	1.20	.15
Q4 or special competitive grade.....	.70	.90	.10
Junior wedge heel:			
Q2 or standard grade.....	1.05	1.40	.20
Q3 or competitive grade.....	.90	1.20	.15
Q4 or special competitive grade.....	.65	.85	.10
Women's Cuban heel:			
Q2 or standard grade.....	1.05	1.40	.20
Q3 or competitive grade.....	.90	1.20	.15
Q4 or special competitive grade.....	.60	.85	.10
Toplift and French heel: Q4 or special competitive grade.....	.45	.60	.10

<sup>1</sup> Prices for Q2 and Q3 grades apply to heels with nails, individually boxed or in bulk. Q4 prices apply to bulk and boxed heels.

<sup>2</sup> Maximum manufacturers' prices are subject to a 2% cash discount and the manufacturer shall not reduce any transportation allowance he had in effect to a purchaser of the same class during March 1942.

<sup>3</sup> Maximum wholesalers' prices are subject to any cash discount and transportation allowance the wholesaler had in effect to a purchaser of the same class during March 1942.

This amendment shall become effective November 28, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21223; Filed, Nov. 23, 1945;  
11:49 a. m.]

— PART 1340—FUEL  
[MPR 88, Amdt. 37]

FUEL OIL, GASOLINE AND LIQUEFIED  
PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 88 is amended in the following respects:

1. Section 3.4 (b) is amended as follows:

a. By deleting the table headed "Price Area" and the prices set forth opposite each area and inserting in lieu thereof the following table:

Price area: <sup>1</sup>	Per 42-gallon barrel <sup>2</sup>
A	\$1.02
B	.97
C	.97
D	.97
E	1.14
F <sup>3</sup>	1.51
G	1.56
H <sup>2</sup>	1.74
I	1.77
J <sup>2</sup>	1.95
K	1.88
K-1	2.16
K-2	1.99
L	1.71
M	1.51
M-1	1.555
M-2	1.525
M-3	1.47
N	1.42
O	1.32
P	1.27
Q	1.22
R	1.15
S	.92
T	.99
U	.96
V	1.36
W	1.07

b. The price area description for Price Area M-1, M-2, M-3 and M-4 are deleted and the following are inserted in lieu thereof:

M-1 comprises Portland, Maine; Portsmouth, New Hampshire; and Boston, Massachusetts.

M-2 comprises Fall River, Massachusetts; Tiverton, Providence, Rhode Island; and New Haven, Connecticut.

M-3 comprises Norfolk, Virginia.

c. Price area descriptions N, N-1, N-2, N-3 and N-4 are deleted and the following is inserted as Price Area N in lieu thereof:

N comprises Wilmington, North Carolina; Charleston, South Carolina; Savannah, Georgia; Jacksonville, Florida and Miami, Florida.

2. Section 3.4 (e) is amended to read as follows:

(d) *Navy grade special fuel oil.*

Price area as described in section 3.4 (b):	Per 42-gallon barrel
D	\$1.05
M	1.59
M-1	1.635

3. The footnote 2 to Price Area AA in section 3.5 is amended to read as follows:

<sup>2</sup>When a particular delivery or shipping point is supplied from one of the following ports there may be added to the maximum price at such shipping or delivery point the amount set forth opposite the name of the supplying port, in addition to the 12 cents increase permitted in Price Area AA:

Amount of increase	Per barrel (cents)
Port:	
Albany, New York	4
New York Harbor	4
Philadelphia Harbor	4
Baltimore, Maryland	4
Portland, Maine	8.5
Portsmouth, New Hampshire	8.5
Boston, Massachusetts	8.5
Fall River, Massachusetts	5.5
Tiverton, Rhode Island	5.5
Providence, Rhode Island	5.5
New Haven, Connecticut	5.5

4. Section 5.1 (b) is amended in the following respects:

a. By deleting "(1)" immediately preceding "truck and trailer delivered maximum prices" and inserting in lieu thereof "(i)".

b. "(1)" is inserted immediately preceding "P. S. 100 and P. S. 200 fuel oils."

c. Subparagraph (2) is renumbered (ii).

d. A new subparagraph (2) is added to read as follows:

(2) *Pressure appliance fuel.* Maximum tank wagon prices exclusive of all taxes of any petroleum fraction sold for use as pressure appliance fuel in the States of Arizona, California, Nevada, Oregon, and Washington shall be as follows:

Quantity	Amount
In single lot deliveries of 40 gallons or more.	The reference seller's (as designated in section 7.2) maximum tank wagon price exclusive of all taxes for 73 octane aviation gasoline.
In single lot deliveries of 10 to 39 gallons.	The maximum price for 40 gallons or more plus 3¢ per gallon.
In single lot deliveries of 5 to 9 gallons.	The maximum price for 40 gallons or more plus 6¢ per gallon.
For package deliveries.	Applicable bulk price plus seller's regularly established packagedifferential.

5. The table entitled "Amount of increase" in section 6.4 (a) (1) (ii) is amended to read as follows:

Amount of increase	Per barrel (cents)
Point or area:	
Albany, New York	4
New York Harbor	4
Philadelphia Harbor	4
Baltimore, Maryland	4
Portland, Maine	8.5
Portsmouth, New Hampshire	8.5
Boston, Massachusetts	8.5
Fall River, Massachusetts	5.5
Tiverton, Rhode Island	5.5
Providence, Rhode Island	5.5
New Haven, Connecticut	5.5

This amendment shall become effective November 28, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21223; Filed, Nov. 23, 1945;  
11:42 a. m.]

PART 1340—FUEL  
[RMPR 137, Amdt. 16]

PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS AND CERTAIN OTHER RETAIL SALES OF LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 137 is amended in the following respects:

1. Section 9 is amended by adding paragraph (c) to read as follows:

(c) *Special pricing method for pressure appliance fuel.* A seller's maximum price, inclusive of all taxes, at any point in the States of Arizona, California, Nevada, Oregon and Washington for the sale of any petroleum fraction for use as pressure appliance fuel, shall be the sum of the reference seller's tank wagon price for 73 octane aviation gasoline exclusive of all taxes plus 13 cents per gallon.

This amendment shall become effective November 28, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21230; Filed, Nov. 23, 1945;  
11:50 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 450<sup>1</sup>, Amdt. 8]

WRITING PAPER AND CERTAIN OTHER FINE PAPERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 450 is amended in the following respect:

Section 16 is amended to read as follows:

Sec. 16. *Sales to the United States Government or any agency thereof.* The maximum price for sales to the United States Government or any agency thereof shall be the maximum price for the sale of that paper by a manufacturer as listed in this regulation less a discount of 3%. Differentials shall be applied in accordance with the provisions of this regulation relating to the application of such differentials upon sales other than to the Federal Government.

With respect to such sales, manufacturers should refer to section 4 of this

<sup>1</sup>8 F.R. 11522, 14273; 9 F.R. 5233, 6711, 8030, 11397.

regulation in which there are set forth certain conditions under which a sale by a manufacturer to or through a merchant to a specific purchaser is considered to be a sale by that manufacturer to that purchaser.

This amendment shall become effective November 23, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21229; Filed, Nov. 23, 1945;  
11:49 a. m.]

#### PART 1358—TOBACCO

[RMPR 494,<sup>1</sup> Amdt. 4]

##### DOMESTIC CIGAR FILLER AND BINDER TOBACCO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation 494 is amended in the following respects:

1. In subparagraph 2 (a) (6) the words "Stemming Ends grade" and "Types 54 and 55" are deleted wherever they appear.

2. The following sentence is added to subparagraph 2 (a) (11): "This definition shall not apply to Types 54 and 55."

3. In paragraph 4 (a) the words "Type 54 (Southern Wisconsin, except Grant County)" "Type 55 (Northern Wisconsin, including Grant County)" "Type 54" and "Type 55" are deleted wherever they appear.

4. Paragraph 4 (c) is redesignated paragraph 4 (e) and a new paragraph (c) is added to section 4 to read as follows:

(c) *Maximum prices for Types 54 and 55*—(1) *Weighted average maximum selling price for packed tobacco.* If you are a packer of Type 54 (Southern Wisconsin except Grant County) or Type 55 (Northern Wisconsin including Grant County) your maximum price per pound, marked weight, shall be a weighted average selling price computed as follows:

(i) You shall ascertain your net delivered cost for such tobacco in green condition of the 1939, 1940 and 1941 crops which you purchased.

(ii) You shall ascertain the total amount you realized from your sales of this tobacco in packed condition of the 1939, 1940 and 1941 crops which you sold. From this total you shall subtract your packing costs (as defined in subparagraph 2 (a) (20)) on the tobacco which you sold.

(iii) You shall then ascertain your markup factor for sales of packed tobacco by dividing the resulting figure at (ii) by the resulting figure at (i).

(iv) Your maximum price per pound for packed tobacco of a particular crop year shall be a weighted average maximum selling price to be ascertained by dividing the net delivered cost to you of the tobacco of that crop year in green

condition by the number of pounds of packed tobacco, marked weight, derived from the tobacco which you bought of the crop year being priced. You shall multiply this result by your markup factor you determined at (iii) above. To this result you shall add the packing costs (as defined in subparagraph 2 (a) (20)) per pound marked weight attributable to the tobacco of the crop year being priced. This sum shall be your weighted average maximum selling price per pound, marked weight, for all your sales of packed tobacco of a particular crop year.

You may sell any of this tobacco at a price in excess of your weighted average maximum selling price per pound, marked weight, only if your weighted average selling price for all your sales of this type of tobacco at no time exceeds your weighted average maximum selling price per pound determined at (iv) above.

(2) *Packer's markup for sweated in the bundle tobacco.* A packer's maximum price per pound for sweated in the bundle or bale tobacco shall be ascertained by multiplying the net delivered cost per pound to the packer of the tobacco being priced by 1.15.

"Packer" of Types 54 and 55 means a person who with respect to the tobacco being priced sorts, grades, sizes, ties in hands, fully sweats and packs in cases or bundles or bales the tobacco in accordance with established trade custom ready for use by a manufacturer of tobacco products. Tobacco shall not be considered fully sweated unless it has undergone a forced sweat of at least six weeks in heated premises or a natural sweat extending at least through July 31st of the year following the year in which the tobacco was grown. Tobacco which is sold unsweated in bundles or bales shall not be considered packed tobacco. However, low grades (as defined in 2 (a) (19)) may be sold with a packer's markup whether the tobacco is packed in bundles, bales, or cases or with any or all of a packer's functions omitted, in accordance with established trade custom. A manufacturer shall be deemed a packer of any tobacco with respect to which he performs or causes to be performed for his account these functions. With respect to any particular lot of tobacco, there may be only one "packer", regardless of whether the tobacco is re-sweated, re-graded, re-sorted or other packer's functions repeated.

"Sweated in the bundle or bale tobacco" means tobacco which has been fully sweated in the bundle or bale as defined in the definition of "Packer" of Types 54 and 55 above but on which any or all of the functions of sorting, sizing, grading, or tying in hands has been omitted. No further packer's markup may be taken on tobacco which has been sold as sweated in the bundle tobacco.

3. A new paragraph (d) is added to section 4 to read as follows:

(d) Packers of all types of domestic cigar filler and binder tobacco of the 1945 and later crops shall meet the following requirements in their purchases and storage of such tobacco:

(1) The packer shall mark crops in the customary manner and keep crops of separate producers segregated for a period of not less than fifteen days after he takes them into premises owned or controlled by him, in such fashion that the weight of the separate crops may be readily ascertained.

(2) The packer shall give each producer from whom he purchases a crop, a receipt indicating the green weight and grades of the tobacco purchased and shall keep copies of such receipts for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective November 23, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

Approved November 9, 1945.

J. B. HUTTON,

Acting Secretary of Agriculture.

[F. R. Doc. 45-21225; Filed, Nov. 23, 1945;  
11:49 a. m.]

#### PART 1382—HARDWOOD LUMBER

[RMPR 217,<sup>1</sup> Amdt. 1]

##### WALNUT LUMBER AND WALNUT GUNSTOCK BLANKS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In section 7 of Revised Maximum Price Regulation 217, paragraph (b) is amended to read as follows:

(b) *Maximum prices.* The maximum f. o. b. mill prices for 1000 feet of steamed walnut lumber in standard or near-standard grades in a rough, air-dried condition, shall be as follows:

WALNUT LUMBER

Thickness (inches)	FAS (regular)	FAS (6' and 7')	FAS—one face	Strips	No. 1 common	No. 2 common
1/2	\$149.00	\$131.00	\$124.00	\$110.00	\$89.00	\$41.00
5/8	172.00	155.00	149.00	135.00	103.00	47.00
3/4	194.00	176.00	167.00	152.00	116.00	53.00
7/8	229.00	208.00	191.00	169.00	138.00	63.00
1	243.00	218.00	204.00	189.00	148.00	69.00
1 1/8	249.00	223.00	204.00	189.00	148.00	76.00
1 1/4	263.00	238.00	218.00	212.00	170.00	83.00
1 3/4	302.00	270.00	258.00	246.00	216.00	95.00
2	358.00	332.00	297.00	290.00	243.00	109.00
2 1/4	438.00	411.00	364.00	340.00	290.00	123.00

This amendment shall become effective November 23, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21224; Filed, Nov. 23, 1945;  
11:48 a. m.]

<sup>1</sup> 9 F.R. 14725, 10 F.R. 1334, 4236, 8369.

<sup>1</sup> 9 F.R. 10090.



## PART 1380—HOUSE AND SERVICE INDUSTRY MACHINES

[MPR 598]

## POSTWAR HOUSEHOLD MECHANICAL REFRIGERATORS

NOTE: A supplementary statement of considerations involved in the issuance of Maximum Price Regulation No. 598 was filed with the Division of the Federal Register as Document No. 45-21226 on November 23, 1945, at 11:49 a. m.

## PART 1388—DEFENSE-RENTAL AREAS

[Housing,<sup>1</sup> Amdt. 73]

## HOUSING

The fourth unnumbered paragraph of section 5 is amended to read as follows:

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

This amendment shall be issued and become effective November 23, 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21233; Filed, Nov. 23, 1945;  
11:48 a. m.]

## PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,<sup>2</sup> Amdt. 14]

## HOUSING IN ATLANTIC COUNTY AREA

The fourth unnumbered paragraph of section 5 is amended to read as follows:

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

This amendment shall be issued and become effective November 23, 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21231; Filed, Nov. 23, 1945;  
11:48 a. m.]

## PART 1388—DEFENSE-RENTAL AREAS

[Housing, Miami Area,<sup>3</sup> Amdt. 18]

## HOUSING IN MIAMI AREA

The fifth unnumbered paragraph of section 5 is amended to read as follows:

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

This amendment shall be issued and become effective November 23, 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21234; Filed, Nov. 23, 1945;  
11:48 a. m.]

PART 1388—DEFENSE-RENTAL AREAS  
[Housing, New York City Area,<sup>4</sup> Amdt. 21]

## HOUSING IN NEW YORK CITY AREA

The third unnumbered paragraph of section 5 is amended to read as follows:

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

This amendment shall be issued and become effective November 23, 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21232; Filed, Nov. 23, 1945;  
11:48 a. m.]

## Chapter XXIII—Surplus Property Administration

[SPA Reg. 5,<sup>5</sup> Order 5]

## PART 8305—SURPLUS NONINDUSTRIAL REAL PROPERTY

## DISPOSITION OF CERTAIN WAR HOUSING PROJECTS BY THE NATIONAL HOUSING AGENCY

The National Housing Agency has reported that its constituent agency, the Defense Homes Corporation, now owns and is operating the following war housing projects which are located in the Metropolitan Area of the District of Columbia:

McLean Gardens, Fairlington, Naylor Gardens, Meridian Hill Hotel, Lucy D. Slowe Hall, G. W. Carver Hall,

which projects the Defense Homes Corporation has indicated its intention of declaring surplus at an early date.

The National Housing Agency represents that in order to take advantage of a present favorable market for these properties it is desirable that they be processed for disposition without giving notice of availability in the manner provided in § 8305.12, and without awaiting the required ninety (90) day period for the exercise of any priorities. Notice of availability will however be given to priority holders and to the public by adequate sales notices in newspapers published in the District of Columbia, where the properties are located, or to which they are adjacent, and in other appropriate methods and localities so that interested persons will be advised of the availability of said properties and given an opportunity to submit offers therefor.

It is further represented that during a period of many months in anticipation of the time when such properties would be made available for disposal there have been proposals and inquiries from a large number of potential purchasers, and that substantially wide publicity has been given to the prospective availability of the properties.

The National Housing Agency further desires to have the authority to negotiate with prospective purchasers for the sale of said projects in order to obtain the

highest possible price therefor and, under proper circumstances, to afford credit to the purchasers upon the payment of reasonable amounts in cash. *It is therefore ordered, That:*

1. Notwithstanding the provisions of this part, upon a declaration of surplus by the Defense Homes Corporation of the following war housing projects designated as:

McLean Gardens, Fairlington, Naylor Gardens, Meridian Hill Hotel, Lucy D. Slowe Hall, G. W. Carver Hall,

the National Housing Agency, as disposal agency, after having given notice by mail to all Government agencies listed in Exhibit B and to the State and local governments thirty (30) days prior to the date of sale, and after having also advertised such projects for sale in newspapers published in the District of Columbia at least four (4) consecutive weeks prior to the date of sale, and after having also during such period advertised the properties for sale in such other newspapers or trade publications, including press releases, as will widely publicize the same and give adequate information to interested persons concerning the general nature of the properties, which notices by mail and by publication may be given and commenced respectively prior to the formal declaration of surplus, is hereby authorized to negotiate for a sale of any one or all of such projects, including land, buildings, and facilities thereof. The price at which any such projects shall be transferred to a Government agency shall be the fair value thereof as determined by the National Housing Agency; and the price at which any of such projects shall be sold to a person other than a Government agency shall be the best price obtainable, which price shall not be less than the current market value of any such project.

2. The disposal of any of such projects to purchasers other than Government agencies may be made upon such terms and conditions, including such credit terms over such period of years, and at such rates of interest, as the National Housing Agency may deem to be necessary or desirable to facilitate any such sale, to protect the interest of the Government and to carry out the requirements and objectives of the act; *Provided, however,* That a written statement of the proposed price and terms for the disposal of any of such projects shall first be submitted to the Administrator for review, setting forth:

(a) The general description of the land, buildings, and facilities included in the project, the acquisition cost thereof, and the present investment of Defense Homes Corporation therein;

(b) An estimate of the reproduction cost under present market conditions;

(c) A summary of the publicity, advertisement, or circularization given with respect to the availability of the property for sale; and

(d) A summarized tabulation of all offers received.

3. If the Administrator has interposed no objection to the proposed sale of any such project before the expiration of the

<sup>1</sup> 10 F.R. 13528, 13545.

<sup>2</sup> 9 F.R. 6819, 8054, 10189, 10634, 11349, 12415, 14987; 10 F.R. 330, 1452, 1911, 1973, 2402, 2617, 5090, 11669.

<sup>3</sup> 9 F.R. 14994; 10 F.R. 331, 1973, 2403, 5090, 11670.

<sup>4</sup> 9 F.R. 14987; 10 F.R. 331, 1452, 1974, 2400, 3014, 5090, 11668.

<sup>5</sup> 10 F.R. 12812, 14028.

fifth day after that on which the written statement was submitted to him the National Housing Agency may then accept the proposed offer and consummate the sale.

This order shall become effective November 16, 1945.

W. STUART SYMINGTON,  
Administrator.

NOVEMBER 16, 1945.

[F. R. Doc. 45-21216; Filed, Nov. 23, 1945;  
11:32 a. m.]

[SPA Reg. 10]

**PART 8310—GOVERNMENT-OWNED INDUSTRIAL REAL PROPERTY**

Surplus Property Board Regulation 10, September 7, 1945, entitled "Government-owned Industrial Real Property" (10 F.R. 11579) is hereby revised and amended as herein set forth as Surplus Property Administration Regulation 10. New matter is indicated by underscoring.

Sec.	
8310.1	Definitions.
8310.2	Scope.
8310.3	Basic policy.
8310.4	Duties of owning and disposal agencies.
8310.5	Restriction on disposal in certain cases.
8310.6	Price.
8310.7	Studies by disposal agency.
8310.8	Scrambled facilities and multiple tenancy.
8310.9	Procedures by disposal agency prior to disposal of industrial real property.
8310.10	Inspection.
8310.11	Priority for Government agencies and State or local governments.
8310.12	Proposals.
8310.13	Consideration of proposals.
8310.14	Options.
8310.15	Submission to Attorney General.
8310.16	Disposal contract.
8310.17	Restrictions on dismantling.
8310.18	Form of transfer.
8310.19	Disposals under laws other than the Surplus Property Act.
8310.20	Permit or order use.
8310.21	Interim use pending disposal.
8310.22	Records and reports.
8310.23	Regulations to be reported to the Surplus Property Administrator.

**AUTHORITY:** §§ 8310.1 to 8310.23, inclusive, issued under Surplus Property Act of 1944, 58 Stat. 766, 50 U.S.C. App. Sup. 1611, and under Pub. Law 181, 79th Cong., 1st Sess.

§ 8310.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Disposal agency" means the Government agency designated pursuant to the act to dispose of industrial real property.

(2) "Industrial real property" means real property primarily or predominantly suitable for purposes of manufacturing, fabricating or processing of products, and real property which is suitable and equipped for mining operations. It includes unimproved land, as well as land together with buildings, fixtures, facilities and equipment located on such land or adapted to use in connection with such purposes. In any case, the Adminis-

trator may determine whether real property is or is not industrial real property as defined herein.

(3) "Plant" includes land together with all buildings, fixtures, facilities, and equipment of all types located on or used in the operation of given industrial real property.

(4) "Priority" means the right, subject to stated conditions and limitations, to purchase or lease industrial real property to the exclusion of others.

(5) "Real property" means any interest owned by the United States or any Government agency in land and in any fixtures or improvements thereon of any kind, but does not include the public domain or such lands withdrawn or reserved from the public domain as the Surplus Property Administrator determines are suitable for return to the public domain for disposition under the general land laws.

(6) "Scrambled facility" means any government-owned industrial real property together with its appurtenant equipment, structures, and other personal property which is operated as an integral part of a privately owned plant and is not capable of economic operation as a separate and independent unit.

(7) "Small business" shall include any commercial, industrial or manufacturing enterprise, or group of enterprises under common ownership or control, which does not at the date of purchase or lease of industrial real property hereunder have more than five hundred employees, or any commercial, industrial or manufacturing enterprise which by reason of its relative size and position in its industry is certified by Smaller War Plants Corporation, with the approval of the Surplus Property Administrator, to be a small business.

(8) "Single purpose plant" means any plant the basic structure of which cannot be readily adapted to uses other than those for which it was originally designed and used.

(9) "State or local government" means any State, territory or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(10) "Transportation facilities" includes vehicles, rights of way, roads, structures, and equipment used or intended to be used for transportation purposes, except when appurtenant to industrial real property.

(11) "Nonprofit institution" means any nonprofit scientific, literary, educational, public-health, public-welfare, charitable or eleemosynary institution, organization, or association, or any nonprofit hospital or similar institution, organization, or association, which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or any nonprofit volunteer fire company or cooperative hospital or similar institution which has been held exempt from taxation under section 101 (8) of the Internal Revenue Code.

(12) "Educational institution" means any school, school system, library, col-

lege, university, or other similar institution, organization, or association, which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is a nonprofit institution.

(13) "Public-health institution" means any hospital, board, agency, institution, organization, or association, which is organized for the primary purpose of carrying on medical, public-health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution.

§ 8310.2 *Scope.* This part applies to all Government-owned industrial real property in the United States, its territories and possessions, including plants constructed under Emergency Plant Facilities Contracts but excluding any other plants located on land which the Government does not own. Nothing in this part applies to real property included within the scope of Part 8305<sup>1</sup> or to airports, harbors, marine terminals, port terminals, power transmission lines, transportation facilities, or pipe lines and facilities used for transporting petroleum products or gas, except when any such facility is an integral part of a plant subject to this part.

§ 8310.3 *Basic policy.* (a) In all studies, negotiations, disposals, and any other actions taken pursuant to this part the disposal agency shall give due weight to the applicable objectives set forth in section 2 of the act. The Surplus Property Administrator finds that it is imperative that prompt action be taken with respect to the disposal of government-owned industrial real property except such property as may be needed for purposes of national defense. Whenever feasible, the owning agency with the consent of any sponsoring agency may, while property is still in production, declare the property surplus subject to leases and to any other outstanding contract rights and also subject to any conditions the owning or sponsoring agency may deem necessary in the interest of national defense. The disposal agency should, subject to the approval of the owning agency in cases in which national security is involved, enter into negotiations for the sale or lease of plants and take other steps hereunder toward the disposal of such plants prior to their declaration as surplus: *Provided, however,* That no final action shall be taken until such plant has been declared surplus.

(b) It is the policy of the Administrator that industrial real property shall be disposed of generally by negotiated sale or lease as provided in this part and in appropriate cases by sealed bids.

§ 8310.4 *Duties of owning and disposal agencies*—(a) *General.* Upon receipt by the disposal agency of a declaration, it shall undertake immediately to dispose of the property covered by the declaration in accordance with the requirements of the act and of this part.

(b) *Care and handling.* (1) The disposal agency shall promptly upon re-

<sup>1</sup> SPA Reg. 5 (10 F.R. 12812, 14020).

ceipt of a declaration of surplus industrial real property, undertake to work out with the owning agency mutually satisfactory arrangements for the disposal agency's assumption of the care and handling of, and accountability for, the property covered by such declaration. Such assumption shall be completed within ninety (90) days after the disposal agency receives the declaration unless additional time is allowed by the Surplus Property Administrator. Any taxes or rentals becoming due on such property after the date of such assumption shall be paid by the disposal agency.

(2) The disposal agency shall make or cause to be made repairs necessary for the protection and maintenance of the property. It shall give careful consideration to what improvements or changes may be necessary for the completing, converting or rehabilitating of the property in order best to attain the applicable objectives of the act, and may make commitments and expenditures for such purposes as in its opinion will further such objectives: *Provided, however*, That not more than \$100,000 shall be expended by the disposal agency for any such changes or improvements in connection with any one plant or property without prior approval by the Administrator in writing.

(3) The disposal agency may renew any lease relating to surplus industrial real property and shall assume and carry out any obligation which may have been entered into by an owning agency to restore any such property. The disposal agency as such shall not by exercise of any option or otherwise purchase industrial real property for resale or lease without the prior written consent of the Administrator.

(c) *Transfer of title papers, documents, etc.* Upon request of the disposal agency, and consistent with any necessary restrictions in the interest of national security, the owning agency shall immediately supply the disposal agency with the originals or true copies of all documents or portions thereof pertaining to the surplus industrial real property which are in the possession of the owning agency and copies of which have not been filed with the declaration. These shall include appraisal reports, abstracts of titles, tax receipts, deeds, affidavits of title, copies of judgment in condemnation proceedings, and all other title papers relating to the property. All such papers and documents which may still be needed by the owning agency shall be returned to it as soon as the needs of the disposal agency have been satisfied. The disposal agency may transfer to the purchaser of surplus industrial real property, as a part of the disposal transaction, any abstract of title or title guaranty or title insurance policy which relates to the property being transferred and which is no longer needed either by the owning or by the disposal agency. The terms upon which such transfer shall be made shall be fixed by the disposal agency.

§ 8310.5 *Restriction on disposal in certain cases.* Any plant or facility classified by the Surplus Property Administrator as an aluminum, magnesium, synthetic rubber, chemical, aviation gaso-

line, iron and steel, or aircraft plant or facility or shipyard which cost more than \$500,000 may be disposed of by sale or lease in accordance with this part only with prior written approval by the Administrator: *Provided, however*, That any aircraft plant or facility or shipyard which the Administrator acting under Part 8301<sup>2</sup> classifies as readily adaptable to or desirable for uses other than aircraft manufacture or shipbuilding or repair, respectively, may be disposed of by sale or lease without prior written approval by the Administrator.

§ 8310.6 *Price.* (a) The price at which the disposal agency shall make a sale of industrial real property to a person other than a Government agency shall be determined by taking into consideration actual proposals received and the use of property most desirable in the light of the applicable objectives of the act. It need not necessarily be the same as the fair value of the property determined in accordance with Special Order 19.<sup>3</sup>

(b) In accordance with the requirements of section 12 (c) of the act, all transfers of industrial real property to Government agencies as provided in § 8310.11 of this part shall be at the fair value as determined and recorded pursuant to the provisions of Special Order 19 unless transfer without reimbursement or transfer of funds is otherwise authorized by law.

(c) State or local governments or educational or public-health institutions seeking to acquire surplus industrial real property for educational use or to promote or protect the public health shall be entitled to acquire such property at the fair value as determined and recorded pursuant to the provisions of Special Order 19 less any discount which the Administrator may allow because of the benefit which has accrued or may accrue to the United States by such use. Applications for such discounts shall be filed with the Administrator and shall be accompanied by a certificate under oath by an authorized official of the buyer that the property is being acquired solely for educational or health purposes and that the buyer is a State or local government or an educational or public-health institution. The certificate shall also set forth in detail the manner in which the property will be employed for educational or health purposes and shall include such further information as will aid the Administrator in determining to what extent the United States will be benefited by the proposed use. After considering the application, and any additional evidence it may deem appropriate, the Administrator will notify the applicant of his action on the application and will certify to the disposal agency the amount of any discount which may be granted. The Administrator may authorize any such disposal to be made

upon such conditions as he may deem expedient, including provisions for the reversion of such property to the United States if the buyer ceases to use it for educational or health purposes.

#### § 8310.7 *Studies by disposal agency.*

(a) The disposal agency shall compile appropriate information regarding all industrial real property to be disposed of hereunder, including generally the data listed on Exhibit A to this part.

(b) *Collection of information.* Any report by any expert engaged to collect or evaluate information pursuant to this part shall contain a certificate that he has no interest, direct or indirect, which would conflict in any manner or degree with the preparation and submission of an impartial report. Consistent with any necessary restrictions in the interest of national security, the owning agency shall render all possible assistance to the disposal agency in compiling such information, and where the owning agency shall have prepared any such information it shall immediately upon request forward the same to the disposal agency and shall cooperate with the disposal agency in obtaining any further necessary information. The owning agency and the disposal agency shall avoid duplication of work in compiling or preparing any such information. Studies pursuant to this section shall so far as possible be coordinated with the preparation of the reports required under section 19 of the act.

§ 8310.8 *Scrambled facilities and multiple tenancy.* In the case of any scrambled facilities the disposal agency shall give careful study to the desirability of conversion to a unit capable of independent operation. In all appropriate cases careful consideration shall also be given to the feasibility of sub-dividing a plant to make it available for multiple tenancy or joint use by more than one small business.

§ 8310.9 *Procedures by disposal agency prior to disposal of industrial real property.* The disposal agency shall widely publicize all industrial real property which becomes available for disposal hereunder, giving information adequate to inform interested persons of the general nature of the property and its possible uses. Such publicity shall be by public advertising, by press releases and, particularly in the case of single purpose plants, by direct circularization to potential purchasers and by personal interviews. No industrial real property shall be disposed of hereunder unless it shall have been publicly advertised for sale for a period of at least fourteen (14) days, *Provided, however*, That the advertising may take place either before or after the property is declared surplus or partly before and partly after. If no disposition of property is made within six (6) months after the end of the advertising period, the property shall be advertised again for another period of fourteen (14) days prior to sale. The disposal agency should consult with local groups and organizations. The disposal agency shall upon request supply to bona fide potential purchasers and lessees adequate preliminary

<sup>2</sup> SPA Reg. 1 (10 F.R. 14064).

<sup>3</sup> 10 F.R. 11582.

information and shall make available for inspection all information compiled pursuant to § 8310.7 and, with the cooperation of the owning agency where necessary, shall render such assistance to such persons as may enable them so far as feasible to acquire complete information regarding plants. Interested persons should be encouraged to make offers to purchase or lease on whatever terms they may deem expedient in the light of the use or uses, products, processes, methods of production, or other factors, which bear upon the adaptability of such property for peacetime production. The disposal agency shall establish procedures so that all such persons showing due diligence are given full and complete opportunity to make a proposal.

§ 8310.10 *Inspection.* All persons interested in the acquisition of industrial real property available for disposal hereunder shall, with the cooperation of the owning agency where necessary, be permitted to make a complete inspection of such property, subject to any necessary restrictions in the interest of national security and subject to such rules or regulations as may be prescribed by the disposal agency. The consent of the owning or sponsoring agency is required where the industrial real property is still in production or is not yet declared surplus.

§ 8310.11 *Priority for Government agencies and State or local governments—(a) Priorities.* Government agencies shall be accorded first priority to acquire industrial real property hereunder for their use: *Provided*, That the Smaller War Plants Corporation shall have such priority to purchase any such property for its use and for resale or lease to small business when in its judgment such disposition is authorized by section 18 (e) of the act. State or local governments shall be accorded second priority hereunder.

(b) *Notice.* In the case of any given property a notice calling attention to the advertising made pursuant to § 8310.9, shall be sent at the earliest possible time to all Government agencies listed on Exhibit B, to the governments of the State and of each political subdivision in which the property is physically located, and to State or local governments which have expressed an interest in the property. If the advertising is repeated for an additional period of fourteen (14) days pursuant to the provisions of § 8310.9, the notice required by this section need not be repeated.

(c) *Time and method of exercise.* The priorities provided for by the act and established hereunder may be exercised at any time prior to the execution of a binding contract for disposal of the property. A priority holder wishing to exercise his priority shall indicate his intention to do so by making an offer for the purchase or lease of the property or by submitting to the disposal agency a written application requesting that the property be held for disposal to the priority holder. Such offer or application shall state the price or rental that the applicant is willing to pay, or state that a transfer without re-

imbursement or transfer of funds is authorized by law, and shall give all pertinent facts pertaining to the applicant's need for the property. If the applicant shall require time to acquire funds or to obtain the authority to take the property without reimbursement or transfer of funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of an offer or an application with such a statement the disposal agency shall forward a copy thereof, together with its recommendation to the Surplus Property Administrator. The Administrator will review the application, determine what time (if any) shall be allowed applicant to conclude the acquisition of the property, and advise the disposal agency and the applicant of such determination. During the time thus allowed the property may not be disposed of to any other person.

(d) *Determination between claimants having same priority.* Whenever two or more Government agencies or two or more State or local governments, respectively, shall make acceptable offers for the same property, the disposal agency shall determine, on the basis of the relative needs of the claimants, which offer to accept of those within the same class of priority. No disposal of such property shall be made until five (5) days after the claimants have been notified of such determination, and, if any claimant shall feel aggrieved by such determination and shall so notify the disposal agency in writing within such five (5) days, the disposal agency shall report the matter in writing to the Surplus Property Administrator setting forth all the facts, including the basis of the respective claims and of the determination by the disposal agency together with any statements in writing that the claimants or any of them may wish to file with the Administrator. The Administrator will review the matter and report his determination to the disposal agency. Pending such determination by the Administrator, no disposal of such property shall be made. The Administrator's determination shall be final for all purposes.

§ 8310.12 *Proposals.* All proposals made by any person interested in the acquisition of any industrial real property shall be in writing and, in addition to the financial terms upon which the proposal is predicated, shall contain such information as the disposal agency may request. Any information submitted the disclosure of which might tend to subject the person submitting it to a competitive business disadvantage shall upon request be held in strict confidence by the disposal agency and by any other Government agency to which it is made available.

§ 8310.13 *Consideration of proposals.* Whenever in any case more than one proposal is received, the disposal agency shall accept that proposal which it finds upon an evaluation of all the information available to it, will most clearly tend to meet the applicable objectives of the act. In any case, the disposal agency shall reject any proposal if it finds that on the whole it conflicts with such objectives. In considering proposals the disposal

agency shall give thorough consideration to whether such objectives can best be met by leasing. Emphasis shall be placed upon the urgency of getting plants into civilian production speedily so as to provide maximum employment in the post-war period. Due regard shall be given, however, to the possibility of enlarging the present major contribution to this objective which is made by small business as defined herein and to the importance in this connection of maintenance of free independent competitive enterprise and the establishment of a maximum of independent operators in industry.

It is the policy of the Administrator that plants, particularly medium-sized and small plants, be sold or leased to local or small firms, preferably those owned or controlled by veterans. The disposal agency should therefore accept offers from responsible local groups with adequate working capital, experience and other necessary qualifications, and should where necessary extend liberal credit terms over a period of years, in preference to a cash offer from a firm or group which would tend to concentrate economic power.

The disposal agency should seriously consider offers to purchase or lease which will result in a lower monetary return if the applicable objectives of the act will be better attained thereby.

The disposal agency shall keep a written record of the factors it weighed in arriving at a decision and shall forward to the Administrator copies of all complaints it may receive from unsuccessful bidders.

§ 8310.14 *Options.* Industrial real property shall be declared surplus subject to any outstanding rights of refusal or options to purchase or otherwise acquire such plants, and nothing in this part shall be deemed to impair the right of any person to exercise any valid right of refusal or option. In no case, however, shall any owning agency sell or lease plants pursuant to such rights or options, but all dispositions pursuant to such rights or options shall be made by the disposal agency, which shall request the assistance of the owning agency when necessary. Upon the lapse or waiver of any such right or option the property shall be disposed of as promptly as possible in accordance with the provisions of this part.

§ 8310.15 *Submission to Attorney General.* In any case in which a plant cost \$1,000,000 or more a complete statement of the proposed disposal which has been tentatively decided upon, including all information compiled or obtained pursuant to §§ 8310.7 and 8310.12 shall be made available to the Attorney General as required by section 20 of the act.

§ 8310.16 *Disposal contract.* As a part of each disposal pursuant to this part, the person acquiring the industrial real property shall certify in writing that he is acquiring the property for his own use, and, in the case of a purchase, that he is not purchasing it for the purpose of reselling or leasing it, and that in no case will he resell or lease it within three (3) years without written notice to the disposal agency of the purchaser or lessee

and the conditions of such resale or lease within thirty (30) days of such event. If the disposal agency extends credit, the purchaser shall agree that until full payment is made, he will not resell or lease the property without the prior written consent of the disposal agency to such resale or lease. In appropriate cases, after consultation with the owning agency or with any other interested agency if such consultation is requested in either case, the disposal agency shall require an agreement that the productive facilities of the plant shall remain available to the Government for present or future Governmental defense needs upon such terms as may then be mutually agreed upon. All representations and agreements required by this section shall be recited in the instrument of transfer.

**§ 8310.17 Restrictions on dismantling.** (a) No fixtures, machinery or equipment shall be removed by the disposal agency from any plant subject to this part except such as is determined by the disposal agency in writing not to be essential to the operation of the plant for the purposes for which it determines that the plant should be disposed of. In connection with the leasing of any plant subject to this part, the disposal agency may, however, in any case sell to the lessee any personal property located on or used in the operation of the plant and not affixed to the realty.

(b) No surplus plant other than a scrambled facility shall be dismantled by the disposal agency or disposed of to any person who does not expect to operate it at the place where it is located, unless the governments of the State and of each political subdivision in which such plant is physically located have been given at least thirty (30) days' notice by the disposal agency of its intention to dismantle such plant or dispose of it to a person who intends to dismantle it. If within such thirty (30) days any such government shall indicate an interest in acquiring such plant, it shall be given a reasonable additional opportunity to submit an offer or application pursuant to § 8310.11.

(c) A plant may be disposed of to a person for the purpose of dismantling and exporting it only after at least fifteen (15) days' prior written notice to the Administrator.

**§ 8310.18 Form of transfer.** The form of deed or instrument of transfer shall be approved by the Attorney General. Transfers shall be by quitclaim deed unless the disposal agency finds that a warranty deed is necessary to obtain a reasonable price for the property or to render the title marketable and unless the use of such a deed is recommended and approved by the Attorney General as provided in the act.

**§ 8310.19 Disposals under laws other than the Surplus Property Act.** (a) Except as provided in paragraph (b) of this section, disposals of surplus industrial real property shall not be made under laws other than the Surplus Property Act

of 1944 but shall be made only by the disposal agency in strict accordance with the provisions of this part unless the Surplus Property Administrator upon written application by the owning agency shall consent in writing to a different procedure.

(b) Transfers of industrial real property to Government agencies for war production purposes shall not be subject to any of the provisions of this part and may be made by the owning agency directly.

**§ 8310.20 Permit or order use.** When a Government agency utilizing Government-owned industrial real property under some form of arrangement with another Government agency having primary jurisdiction over the property no longer needs the property, such real property and any interest therein shall be returned to the agency having primary jurisdiction over the property in accordance with the arrangement between such agencies, except where the property has been substantially improved while being so utilized. In this latter event the agency utilizing the property shall make a report of the facts to the Administrator for his determination as to how the interests of the Government will be best subserved.

**§ 8310.21 Interim use pending disposal.** Pending the disposition of industrial real property hereunder, the owning agency prior to the time accountability is assumed by the disposal agency and the disposal agency thereafter, may grant a revocable permit to any person to use such property in any case in which it finds that the interests of the Government will be best served by such action. Any such use shall be conditioned upon payment of such consideration as may be fair and reasonable under all the circumstances.

NOTE: Sections 8310.22 and 8310.23 formerly §§ 8310.20 and 8310.21, redesignated Nov. 16, 1945.

**§ 8310.22 Records and reports.** Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Surplus Property Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

**§ 8310.23 Regulations to be reported to the Administrator.** Each owning and disposal agency shall file with the Surplus Property Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective November 16, 1945.

W. STUART SYMINGTON,  
Administrator.

NOVEMBER 16, 1945.

EXHIBIT A—INFORMATION TO BE COMPILED  
PURSUANT TO § 8310.7

#### Plants

- (1) Legal description of the property, including its exact location and area.
- (2) Plot plans and maps of vicinity.
- (3) Description of roads and other means of transportation part of or adjacent to the premises.
- (4) Statement of costs of acquisition and construction.
- (5) Any available documents, such as drawings, specifications, etc., relating to unexecuted plans for improvement of the property.
- (6) General information relative to local housing in non-urban areas, transportation, power and water supplies, sewage systems, and rates of property taxes.
- (7) Description of buildings (including available structural drawings and photographs, area, floor loads, clearances, bays, type of construction and condition, type of ventilation and heating, location of fire protection, water and sewer mains, and power outlets, etc.)
- (8) Inventory of plant equipment with general statement of its condition.
- (9) Patent situation relating to operation of the plant in so far as such information may be available to the owning and disposal agencies.

#### Unimproved Sites

Information with respect to unimproved sites may be limited to the subjects listed in subparagraphs (1) to (6), inclusive, above.

#### Single-purpose Plants

In the case of any single-purpose plant of any class enumerated in section 19 of the act (regardless of cost) or of any other class which the Administrator may from time to time designate, the disposal agency shall also compile any available and pertinent or appropriate information which may be of interest to prospective buyers and lessees concerning:

- (1) The relation of such plant to similar plants owned by the government;
- (2) Materials and equipment which may be available and necessary or useful for peacetime operation of such plant, with particular reference to available and necessary or useful materials and equipment which are or may become surplus;
- (3) Other sources of raw materials and equipment;
- (4) Conversion possibilities;
- (5) Transportation;
- (6) Potential outlets for production;
- (7) Relevant national productive capacity;
- (8) Capacities and production costs in other individual plants.

#### EXHIBIT B

Government agencies to be given notice of impending disposal by mail:

Department of War  
Department of the Navy  
Department of the Interior  
Department of Commerce  
Reconstruction Finance Corporation  
U. S. Maritime Commission  
Tennessee Valley Authority  
Office of Scientific Research and Development  
Smaller War Plants Corporation.

The mail address of these agencies is Washington 25, D. C.

[F. R. Doc. 45-21218; Filed, Nov. 23, 1945;  
11:32 a. m.]



[SPA Reg. 9,<sup>1</sup> Order 3]

## PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

## DISPOSAL OF SCRAP AND SALVAGE CONTAINING RADIUM AND RADIO-ACTIVE SALTS

Among the surplus property under Government ownership or control becoming available for disposal will be significant amounts of scrap and salvage containing radium and radio-active salts. Examples of such property are luminous instrument dials and markers. The unrestricted disposal of such property will present a twofold problem of danger to public health and the possibility of contamination of other materials which will later be used in industry. The purpose of this order is so far as possible to eliminate this health hazard and industrial contamination.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611) and Public Law 181, 79th Congress, *It is hereby ordered, That:*

All owning and disposal agencies in making or authorizing disposals of scrap or salvage owned by them or under their control as contractor inventory or otherwise which contains radium or radio-active salts shall make every effort to channel such property into the hands of radium refining organizations, or, if this is not possible, to insure its complete elimination from the civilian economy by destruction or otherwise.

This order shall become effective November 16, 1945.

W. STUART SYMINGTON,  
Administrator.

NOVEMBER 16, 1945.

[F. R. Doc. 45-21217; Filed, Nov. 23, 1945;  
11:32 a. m.]

[SPA Reg. 18]

## PART 8318—DISPOSAL OF IMPROVEMENTS AND LEASEHOLD INTERESTS IN INDUSTRIAL AND MARINE REAL PROPERTY

Sec.	
8318.1	Definitions.
8318.2	Scope: related regulations.
8318.3	Methods of disposal.
8318.4	Disposal of leasehold interests.
8318.5	Interim use pending disposal.
8318.6	Easements having no commercial value.
8318.7	Disposals under laws other than the Surplus Property Act.
8318.8	Submission to the Attorney General.
8318.9	Records and reports.
8318.10	Regulations to be reported to the Administrator.

AUTHORITY: §§ 8318.1 to 8318.10, inclusive, issued under the Surplus Property Act of 1944, 58 Stat. 765, 50 U.S.C. App. Sup. 1611, and under Pub. Law 181, 79th Cong., 1st Sess.

§ 8318.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Disposal agency" means the Government agency designated pursuant to the act to dispose

of industrial real property or marine real property.

(2) "Industrial real property" means real property primarily or predominantly suitable for purposes of manufacturing, fabricating or processing of products, and real property which is suitable and equipped for mining operations. It includes unimproved land, as well as land together with buildings, fixtures, facilities and equipment located on such land or adapted to use in connection with such purposes. In any case, the Administrator may determine whether real property is or is not industrial real property as defined herein.

(3) "Improvements" includes Government-owned buildings, fixtures, facilities and equipment located on any industrial or marine real property.

(4) "Marine real property" includes the land site and all permanent structures which comprise a shipyard, ship repair yard, marine terminal, port terminal, or harbor.

(5) "Readily severable" means capable of being removed and sold without substantial damage to either the property being removed or the premises.

(6) "Real property" means any interest owned by the United States or any Government agency in land and in any fixtures or improvements thereon of any kind, but does not include the public domain or such lands withdrawn or reserved from the public domain as the Surplus Property Administrator determines are suitable for return to the public domain for disposition under the general land laws.

§ 8318.2 *Scope; related regulations.* Government-owned industrial improvements which are located on surplus land owned by the Government and any industrial improvements constructed under an Emergency Plant Facilities Contract under which the Government may acquire title to the land, shall be disposed of under Part 8310.<sup>1</sup> Improvements on non-industrial Government-owned land which is not surplus or on non-industrial non-Government-owned land, leased or occupied by an owning agency with or without an obligation to restore the premises shall be disposed of in accordance with the provisions of Part 8305.<sup>2</sup> Plant equipment as defined in Part 8306 which is not readily severable shall be disposed of pursuant to the provisions of § 8306.7.<sup>3</sup> Any improvements on, or leasehold or other interests in, industrial or marine real property in the United States, its territories and possessions, not covered by the above regulations shall be disposed of in accordance with this part. Included under this part are industrial and marine improvements on land which is leased or occupied by an owning agency or which it has an option to lease or which it has an option to buy other than under an Emergency Plant Facilities Contract.

§ 8318.3 *Methods of disposal.* (a) Subject to the provisions of this section, owning agencies may make disposals of

improvements hereunder by any one or more of the following methods:

(1) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises, provided the lessor or owner shall pay for any excess value.

(2) By disposition in accordance with contractual commitments.

(3) By sale intact.

(4) By transfer to another Government agency intact.

(5) By disposal of all readily severable property in accordance with any other applicable regulations of the Administrator.

(6) By demolition contract let only on competitive bids whereby title to material not readily severable passes to the demolition contractor.

(7) By demolition of property not readily severable and disposal of surplus used building and construction materials by competitive bidding and of other resulting materials in accordance with any other applicable regulations of the Administrator. Any such competitive bidding shall be conducted under rules and regulations prescribed by the owning agencies containing provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids.

(8) By abandonment if the owning agency has no obligation to remove such improvements and it finds in writing that such property is without commercial value or that the estimated cost of its care, handling, removal, and disposition would exceed the estimated proceeds of sale.

(b) Disposals by owning agencies hereunder shall be made at prices that are fair and reasonable under all the circumstances taking into account the limited sale value of the property in place and its special value, if any, to the purchaser. In all cases, prior to disposal a written estimate shall be made of both the value of the improvements for use in place and their salvage value. The disposal agencies for industrial and marine real property shall, upon request, furnish advice and assistance to the owning agencies in the establishment of fair and reasonable prices hereunder.

(c) No improvements costing more than \$100,000 shall be disposed of or demolished hereunder by the owning agency without prior submission to and the consent of the appropriate disposal agency, unless such improvements are located on Government-owned land which is not surplus and is not expected to become surplus.

(d) With the exception of transfers to other Government agencies, no improvements on land which the Government by lease, option to lease, or otherwise, has a right to occupy for an additional definite period of five years or more, shall be disposed of by the owning agency hereunder if the leasehold or

<sup>1</sup> SPA Reg. 10, November 16, 1945.

<sup>2</sup> SPA Reg. 5 (10 F.R. 12812, 14028).

<sup>3</sup> SPA Reg. 6, November 16, 1945.

<sup>1</sup> SPA Reg. 9 (10 F.R. 12961).

other interests are no longer needed by the owning agency, but it shall declare the improvements as surplus in place together with the leasehold or other interests. At the request of the appropriate disposal agency any improvements, regardless of cost and the terms under which the land is occupied, shall be declared surplus in place together with any related leasehold or other interests no longer needed by the owning agency. Upon such declaration any industrial property shall be disposed of in accordance with the provisions of Part 8310.<sup>2</sup>

(e) Whenever the owning agency is unable to obtain a fair and reasonable price for the sale in place of improvements hereunder and it finds in writing that it is not in the best interests of the Government to remove or demolish such improvements, the owning agency shall declare such property as surplus in place, together with any related leasehold or other interests no longer needed by the owning agency. Upon such declaration any industrial property shall be disposed of in accordance with the provisions of Part 8310.<sup>3</sup>

§ 8318.4 *Disposal of leasehold interests.* Whenever an owning agency no longer needs a leasehold or other right of occupancy in land, it shall transfer such interest directly to any other Government agency desiring it without declaring it as surplus. Any such transfer may be conditioned upon the transferee agency's assuming all or any obligations incurred by the transferor agency in connection with the interest transferred. Owning agencies shall take reasonable steps to ascertain the needs of other Government agencies for such interests. If such leasehold or other interest is not claimed by any Government agency within a reasonable time and the owning agency has the legal right to cancel, such lease shall be cancelled without declaring it as surplus.

§ 8318.5 *Interim use pending disposal.* Pending the disposition of improvements or leasehold or other interests hereunder, the owning agency prior to the time accountability is assumed by the disposal agency and the disposal agency thereafter, may grant a revocable permit to any person to use such property in any case in which it finds that the interests of the Government will be best served by such action. Any such use shall be conditioned upon payment of such consideration as may be fair and reasonable under all the circumstances.

§ 8318.6 *Easements having no commercial value.* Any Government agency may, with or without consideration, dispose of an easement to the owner of the land subject to the easement when such agency shall determine that the easement has no commercial value and is no longer needed: *Provided*, That, when any such easement shall have been acquired for a substantial consideration such disposal shall be made only for a reasonable value, taking into consideration any portion of the purchase price paid for severance damages.

§ 8318.7 *Disposals under laws other than the Surplus Property Act.* Disposals of property within the scope of this part shall not be made under laws other than the Surplus Property Act of 1944 but shall be made only in strict accordance with the provisions of this part unless the Administrator upon written application by the owning agency shall consent in writing to a different procedure.

§ 8318.8 *Submission to the Attorney General.* Whenever any owning agency shall begin negotiations or, in other than cases of negotiated sales, shall have decided on the terms of a transaction for the disposition under this part of property which cost the Government \$1,000,000 or more, the owning agency shall promptly notify the disposal agency for such type of property of the proposed disposition and the probable terms and conditions thereof. The disposal agency shall promptly transmit such information to the Attorney General in order that the Attorney General may furnish the advice contemplated in section 20 of the act.

§ 8318.9 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Surplus Property Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8318.10 *Regulations to be reported to the Administrator.* Each owning and disposal agency shall file with the Surplus Property Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This part shall become effective November 16, 1945.

W. STUART SYMINGTON,  
Administrator.

NOVEMBER 16, 1945.

[F. R. Doc. 45-21219; Filed, Nov. 23, 1945;  
11:33 a. m.]

## Notices

### DEPARTMENT OF AGRICULTURE.

#### Rural Electrification Administration.

[Administrative Order 978]

#### ALLOCATION OF FUNDS FOR LOANS

OCTOBER 30, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Alabama 42A Franklin	\$593,000
Florida 25E Lee	50,000
Georgia 81L Laurens	80,000
Indiana 42G Porter	40,000
Iowa 52K Howard	230,000
Kansas 27H Morris	275,000
Louisiana 13K East Baton Rouge	203,000
Louisiana 18K Beauregard	422,000
Minnesota 73M Big Stone	330,000
Missouri 20N Marion	130,000
Nebraska 3C Chimney Rock District Public	80,000
Nebraska 62E Seward District Public	170,000
North Carolina 51D Hoke	153,000
Oklahoma 25L Rogers	247,000
South Dakota 16C Grant	50,000
Washington 42C Clallam District Public	370,000
Wisconsin 25N Monroe	175,000
Wisconsin 52P Crawford	117,000

[SEAL] CLAUDE R. WICKARD,  
Administrator.

[F. R. Doc. 45-21133; Filed, Nov. 21, 1945;  
3:10 p. m.]

#### [Administrative Order 979]

#### ALLOCATION OF FUNDS FOR LOANS

OCTOBER 30, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 51K Newton	\$50,000
Illinois 27H Champaign	190,000
Illinois 44H Carroll	125,000
Iowa 23H Crawford	117,000
Louisiana 7F Grant	260,000
Minnesota 71G Blue Earth	100,000
Oklahoma 14G Love	195,000
Oklahoma 16L Pontotoc	225,000
Oklahoma 19H Craig	185,000
Oklahoma 31D Woodward	168,000

[SEAL] CLAUDE R. WICKARD,  
Administrator.

[F. R. Doc. 45-21134; Filed, Nov. 21, 1945;  
3:10 p. m.]

### CIVIL AERONAUTICS BOARD.

[Dockets Nos. 2124, 2123]

NORTHWEST AIRLINES, INC. AND NATIONAL AIRLINES, INC.

#### NOTICE OF HEARING

In the matter of applications of Northwest Airlines, Inc., and National Airlines, Inc., for the designation of Newark, N. J., as a coterminal with New York, N. Y.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above-entitled matters are assigned to be heard on November 26, 1945, at 2:30 p. m. (eastern standard time) in room 3899, Department of Commerce Building, Washington, D. C., before Examiner Frank J. Trelease, Jr.

Dated Washington, D. C., November 21, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 45-21261; Filed, Nov. 23, 1945;  
12:02 p. m.]

# CIVILIAN PRODUCTION ADMINISTRATION.

[C-253, Revocation]

DEERING, MILLIKEN & Co., Inc.

## CONSENT ORDER

Consent Order C-253 was issued January 19, 1945 against Deering, Milliken & Co., Inc., upon the consent of Deering, Milliken & Co., Inc., the Regional Compliance Manager and the Regional Attorney and with the approval of a Compliance Commissioner. The case has been reviewed by the Director of the Compliance Division and the Office of the General Counsel who have directed that the Consent Order be revoked.

In view of the foregoing, it is hereby ordered, that *Consent Order No. C-253* be revoked.

Issued this 21st day of November 1945.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-21138; Filed, Nov. 21, 1945;  
4:05 p. m.]

# FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6651]

## ALLOCATION OF FREQUENCIES TO VARIOUS CLASSES OF NON-GOVERNMENTAL SERVICES

### ORDER MODIFYING AND REVISING TABLE OF ALLOCATIONS -

NOVEMBER 19, 1945.

In the matter of allocation of frequencies to the various classes of non-governmental services in the radio spectrum from 10 kilocycles to 30,000,000 kilocycles. Docket No. 6651.

Whereas, the Commission on May 25, 1945, issued its final report of allocations from 25,000 kilocycles to 30,000,000 kilocycles, with the exception of the 44 to 108 megacycle band; and

Whereas, recent conferences with the Interdepartment Radio Advisory Committee disclose that developments in various types of equipment used as aids to air and marine navigation make desirable certain changes in the said frequency allocation plan;

Now, therefore, it is ordered, This 19th day of November, 1945; that the said table of allocations issued on May 25, 1945, be, and it is hereby, modified and revised so as to read in part as follows:

Band, mc.	International service	U. S. allocation	Remarks
980-1215	Navigation aids.....	Navigation aids.....	
1215-1295	Amateur.....	Amateur.....	
1295-1375	(a) Fixed.....	Non-Government.....	Television relay.
	(b) Mobile except Aero.....		
1375-1425	(a) Fixed.....	do.....	Fixed and mobile.
	(b) Mobile.....		
1425-1600	(a) Fixed.....	Government.....	
	(b) Mobile.....		
2900-3700	Navigation aids.....	Navigation aids.....	Racons 3276 $\pm$ 3 mc with guard band 3246-3268 mc.
3700-4000	(a) Fixed.....	Non-Government.....	
	(b) Mobile except Aero.....		
4000-4200	Air navigation aids.....	Air navigation aids (altimeters).....	
4200-4400	(a) Fixed.....	Non-Government.....	
	(b) Mobile except Aero.....		
8500-9300	Special navigation aids.....	Government.....	Racons 9310 $\pm$ 3 mc with guard band 9300-9320 mc.
9300-9600	Navigation aids.....	Navigation aids.....	
9600-10000	Special navigation aids.....	Government.....	

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-21132; Filed, Nov. 21, 1945;  
2:01 p. m.]

LOUIS WASMER, INC.

## PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL

The Commission hereby gives notice that on October 30, 1945, there was filed with it an application (B5-TC-468) for its consent under section 310 (b) of the Communications Act (47 USCA 310) to the proposed transfer of control of Louis Wasmer, Inc. (licensee of standard broadcast station KHQ, Spokane, Washington) from Louis Wasmer to Spokane Chronicle Company (a Washington corporation), Spokane, Washington. The proposed transfer of control of the above licensee is based upon a contract entered into October 15, 1945, between Louis Wasmer and Spokane Chronicle Company under which the former agreed to sell to the latter all of the issued and outstanding 2,500 shares of capital stock of Louis Wasmer, Inc. for a total consideration of \$1,295,000.00. Of this amount, \$25,000 was paid as earnest money upon execution of the contract. The contract provides that the above sum shall be increased by a sum equal to the net profits (excepting capital gains from the sale of marketable securities), and decreased by the amount of any dividends paid, or net losses sustained between January 1, 1945, and the closing date fixed by the contract as within 30 days of the day on which the matter is formally approved by the Commission. The stock to be transferred is to be free and clear of encumbrances, and the assets and properties of the licensee are as shown in a balance sheet of December 31, 1944, and a schedule of inventory, both of which are attached to and made a part of the contract. If purchaser should fail or refuse to consummate the purchase according to the terms of the agreement, the \$25,000.00 deposit is to become property of seller. However, if seller should default or the contract

should be terminated, said deposit is to be refunded. If the Commission does not approve the application within nine months from the date of filing the agreement, the contract may be terminated by either party upon notice. Further details of the contract as well as pertaining to the application may be determined from an examination of the application on file at the offices of the Commission.

In the Commission's decision of September 6, 1945, granting the application for transfer of control of the Crosley Corporation (Docket No. 6767), it was announced that public hearings would be held to consider proposed new rules and regulations for the handling of assignment and transfer applications including provision for public notice by the applicant and the Commission of the filing of such applications and pertinent details in cases where a controlling interest is involved. Thereafter, on October 3, 1945, the Commission also gave public notice (10 F.R. 12926) that pending the issuance of such proposed new rules, hearing thereon, and final adoption, consideration of such applications would be deferred unless applicants desired to follow the procedure proposed in the WLW decision, and supplement their applications so as to come within the framework of the announced procedure including the provision for public notice. Pursuant thereto, the Commission was advised on October 30, 1945, that notice was inserted in the Spokane Chronicle (a Spokane paper of general circulation) of the proposed transfer of control of the licensee and sale of the properties of KHQ.

In accordance with the procedure proposed in the WLW decision and that announced in the Commission's release, no action will be had upon the KHQ application for a period of 60 days from October 30, 1945, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U.S.C. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-21103; Filed, Nov. 23, 1945;  
10:36 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[S. O. 368, Gen. Permit 1]

## LOADING AND UNLOADING OF FREIGHT IN NEW YORK HARBOR

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 368 (10 F.R. 14030), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 368 insofar as it applies in New York harbor to:

1. Cars containing freight (such as chemicals, explosives, etc.), which due to its nature cannot be unloaded on the piers because of port security regulations;

2. Cars containing freight which the railroad definitely knows will be delivered by car float or by connecting rail line to vessel within 5 days of the date such cars become 10-day cars;

3. Cars containing freight which are covered by orders for delivery to vessels within 5 days of the date such cars become 10-day cars.

This general permit shall become effective at 5:00 p. m., November 20, 1945 and shall expire at 11:59 p. m., November 30, 1945.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of November 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-21190; Filed, Nov. 23, 1945;  
10:15 a. m.]

## OFFICE OF DEFENSE TRANSPORTATION.

## CAPITAL TRANSIT CO.

## POSSESSION, CONTROL, AND OPERATION OF TRANSPORTATION SYSTEM, PLANTS, AND FACILITIES

To CAPITAL TRANSIT COMPANY,  
Washington, D. C.:

1. You are hereby notified that, by order of the President of the United States (Executive Order 9658, *supra*), possession and control of your transportation system, including all real and personal property, plants, facilities, and other assets, wherever situated, used or useful in connection with the operation of such system, are hereby taken and assumed by the Director of the Office of Defense Transportation as of 3:00 o'clock, p. m., on the 21st day of November, 1945. Possession and control is not taken of any of your property, plants, facilities, or other assets, which

No. 230—8

are not used or useful in the operation of your transportation system.

2. The purpose of possession, control, and operation of your transportation system and properties by the United States pursuant to said Executive order is to assure the maintenance of an effective system of transportation for the armed forces and the civilian population.

3. Effective this date, Guy A. Richardson is hereby appointed Federal Manager of the transportation system and properties taken hereunder, with full authority, subject to the direction of the Director of the Office of Defense Transportation:

(a) To possess, control, and operate, or arrange for the operation of the system and properties taken hereunder in such manner as may be necessary to carry out the provisions, and to accomplish the purposes of the Executive order, through or with the aid of such public or private agencies, persons, or corporations as he may designate;

(b) Subject to the provisions of the Executive order, to manage or operate or arrange for the management or operation of said system and properties under such terms and conditions of employment as he deems advisable and proper;

(c) From time to time, to return to you such real or personal property, or other assets, as he determines to be unnecessary to the operation of your transportation system; and

(d) To request the Secretary of War or such persons as he may designate, to furnish protection for persons employed or seeking employment with the transportation system of which possession is taken hereunder and the properties of such system, and to furnish equipment, manpower, and other facilities or services necessary to carry out the provisions, and to accomplish the purposes of the Executive order of the President.

4. Copies of this notice and order shall be posted by you in your principal place of business, and in each office, car barn, and garage maintained in connection with the operation of your transportation system.

Issued at Washington, D. C., this 21st day of November, 1945.

HOMER C. KING,  
Deputy Director,  
Office of Defense Transportation.

[F. R. Doc. 45-21194; Filed, Nov. 23, 1945;  
10:58 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[RMPR 136, Amdt. 1 to Rev. Order 229]

## CHRYSLER CORP.

## ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Revised Order 229 under Revised Maximum Price Regulation 136. Machines, parts, and industrial equipment. Chrysler Corporation; Docket No. 3136-431.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Re-

vised Maximum Price Regulation 136, it is ordered:

Revised Order No. 229, as amended, under Revised Maximum Price Regulation 136 is amended in the following respects:

1. Subparagraph (1) of paragraph (a) is amended to read as follows:

(1) *Model, description, and net wholesale price.* Model WF-31 (T-118) Truck, 1½-ton, 135½" wheelbase, and Model WF-21 (T-118), 1-ton special, 135½" wheelbase; with 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire equipment size:

Chassis with flat faced cowl.....	\$643
Chassis with windshield cowl.....	687
Chassis and cab.....	740
Chassis and cab with 9-foot platform body.....	797
Chassis and cab with 9-foot stake body.....	835

Model WF-32 (T-118), Truck, 1½-ton, 160" wheelbase, and Model WF-22 (T-118), 1-ton special, 160" wheelbase; 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire equipment size:

Chassis with flat faced cowl.....	\$651
Chassis with windshield cowl.....	693
Chassis and cab.....	753
Chassis and cab with 12-foot platform body.....	821
Chassis and cab with 12-foot stake body.....	863

Model WF-33 (T-118), Truck, 1½-ton, 190" wheelbase, and Model WF-23 (T-118), 1-ton special, 190" wheelbase; 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire equipment size:

Chassis with flat faced cowl.....	\$630
Chassis with windshield cowl.....	699
Chassis and cab.....	772

Model WFM-35 (T-128), Truck, Cab Over Engine, 1½-ton, 105" wheelbase; 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$717
Chassis with windshield cowl.....	736
Chassis and cab.....	811
Chassis and cab with 9-foot platform body.....	863
Chassis and cab with 9-foot stake body.....	896

Model WFM-37 (T-128), Truck, Cab Over Engine, 1½-ton, 129" wheelbase; 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$730
Chassis with windshield cowl.....	749
Chassis and cab.....	830
Chassis and cab with 12-foot platform body.....	893
Chassis and cab with 12-foot stake body.....	945

Model WFM-38 (T-128), Truck, Cab Over Engine, 1½-ton, 159" wheelbase; 1942 standard equipment, plus 2" front

springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$749
Chassis with windshield cowl.....	768
Chassis and cab.....	849

Model WH-45 (T-120), Truck, 2-ton, 136" wheelbase, and Model WG-40, Truck, 1½-ton special, 136" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$801
Chassis with windshield cowl.....	820
Chassis and cab.....	893
Chassis and cab with 9' platform body..	950
Chassis and cab with 9' stake body.....	988

Model WH-46 (T-120), Truck, 2-ton, 148" wheelbase, and Model WG-41 (T-120), Truck, 1½-ton special, 148" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$815
Chassis with windshield cowl.....	834
Chassis and cab.....	907

Model WH-47 (T-120), Truck, 2-Ton, 160" wheelbase, and Model WG-42 (T-120), Truck, 1½-ton special, 160" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$815
Chassis with windshield cowl.....	834
Chassis and cab.....	907
Chassis and cab with 12-foot platform body.....	975
Chassis and cab with 12-foot stake body..	1010

Model WH-48 (T-120), Truck, 2-ton, 178" wheelbase, and Model WG-43 (T-120), Truck, 1½-ton special, 178" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$840
Chassis with windshield cowl.....	859
Chassis and cab.....	932

Model WH-49 (T-120), Truck, 2-ton, 220" wheelbase, and Model WG-44 (T-120), Truck, 1½-ton special, 220" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$865
Chassis with windshield cowl.....	884
Chassis and cab.....	957

Model WHM-45 (T-130), Truck, Cab over engine, 2-ton, 105" wheelbase, and Model WGM-40 (T-130), Truck, Cab over engine, 1½-ton special, 105" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$880
Chassis with windshield cowl.....	899
Chassis and cab.....	980
Chassis and cab with 9-foot platform body.....	1037
Chassis and cab with 9-foot stake body..	1075

Model WHM-47 (T-130), Truck, Cab over engine, 2-ton, 129" wheelbase, and Model WGM-42 (T-130), Truck, Cab over engine, 1½-ton special, 129" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$894
Chassis with windshield cowl.....	913
Chassis and cab.....	994
Chassis and cab with 12-foot platform body.....	1062
Chassis and cab with 12-foot stake body.....	1109

Model WHM-48 (T-130), Truck, Cab over engine, 2-ton, 159" wheelbase, and Model WGM-43 (T-130), Truck, Cab over engine, 1½-ton special, 159" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$944
Chassis with windshield cowl.....	963
Chassis and cab.....	1044

2. Subparagraph (2) (i) of paragraph (a) is amended to read as follows:

(2) *Charges.* (i) A charge for extra, special, and optional equipment not to exceed the "Net Wholesale Prices" in effect on March 31, 1942 (subject to the discounts in effect on March 31, 1942 to the applicable class of purchasers), for such equipment when sold as original equipment; except, that for the following equipment, when sold as such original equipment, a charge not to exceed the following applicable "Net Wholesale Prices" (subject to the discounts in effect on March 31, 1942, to the applicable class of purchaser):

*Description and net wholesale price*

Eaton 2-speed Rear Axle (16,050 lbs.) for 2-ton models, \$118.00.

3. Subparagraph (1) of paragraph (d) is amended to read as follows:

(1) *Model, description, and "retail list price" f. o. b. factory.* Model WF-31 (T-118) Truck, 1½-ton, 135½" wheelbase, and Model WF-21 (T-118), 1-ton special, 135½" wheelbase; with 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire equipment size:

Chassis with flat faced cowl.....	\$854
Chassis with windshield cowl.....	879
Chassis and cab.....	974
Chassis and cab with 9-foot platform body.....	1,049
Chassis and cab with 9-foot stake body.....	1,089

Model WF-32 (T-118), Truck, 1½-ton, 160" wheelbase, and Model WF-22 (T-118), 1-ton special, 160" wheelbase; 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire equipment size:

Chassis with flat faced cowl.....	\$870
Chassis with windshield cowl.....	895
Chassis and cab.....	990
Chassis and cab with 12-foot platform body.....	1080
Chassis and cab with 12-foot stake body..	1142

Model WF-33 (T-118), Truck, 1½-ton, 190" wheelbase, and Model WF-23 (T-118), 1-ton special, 190" wheelbase; 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire equipment size:

Chassis with flat faced cowl.....	\$895
Chassis with windshield cowl.....	920
Chassis and cab.....	1016

Model WFM-35 (T-128), Truck, Cab Over Engine, 1½-ton, 105" wheelbase; 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$946
Chassis with windshield cowl.....	971
Chassis and cab.....	1067
Chassis and cab with 9-foot platform body.....	1142
Chassis and cab with 9-foot stake body..	1192

Model WFM-37 (T-128), Truck, Cab Over Engine, 1½-ton, 129" wheelbase; 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$992
Chassis with windshield cowl.....	987
Chassis and cab.....	1092
Chassis and cab with 12-foot platform body.....	1182
Chassis and cab with 12-foot stake body.....	1244

Model WFM-38 (T-128), Truck, Cab Over Engine, 1½-ton, 159" wheelbase; 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$987
Chassis with windshield cowl.....	1012
Chassis and cab.....	1117

Model WH-45 (T-120), Truck, 2-ton, 136" wheelbase, and Model WG-40, Truck, 1½-ton special, 136" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$1117
Chassis with windshield cowl.....	1143
Chassis and cab.....	1246
Chassis and cab with 9-foot platform body.....	1325
Chassis and cab with 9-foot stake body.....	1378

Model WH-46 (T-120), Truck, 2-ton, 148" wheelbase, and Model WG-41 (T-120), Truck, 1½-ton special, 148" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$1136
Chassis with windshield cowl.....	1163
Chassis and cab.....	1266

Model WH-47 (T-120), Truck, 2-ton, 160" wheelbase, and Model WG-42 (T-120), Truck, 1½-ton special, 160" wheelbase; 1942 standard equipment, plus 2" front springs, 6.285 rear axle, heavy duty transmission, and equipped with synthetic rubber tires of base tire equipment size:



front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$1136
Chassis with windshield cowl.....	1163
Chassis and cab.....	1265
Chassis and cab with 12-foot platform body.....	1360
Chassis and cab with 12-foot stake body.....	1408

Model WH-48 (T-120), Truck, 2-ton, 178" wheelbase, and Model WG-43 (T-120), Truck, 1½-ton special, 178" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$1171
Chassis with windshield cowl.....	1198
Chassis and cab.....	1299

Model WH-49 (T-120), Truck, 2-ton, 220" wheelbase, and Model WG-44 (T-120), Truck, 1½-ton special, 220" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$1208
Chassis with windshield cowl.....	1233
Chassis and cab.....	1335

Model WHM-45 (T-130), Truck, Cab over engine, 2-ton, 105" wheelbase, and Model WGM-40 (T-130), Truck, Cab over engine, 1½-ton special, 105" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$1227
Chassis with windshield cowl.....	1254
Chassis and cab.....	1366
Chassis and cab with 9-foot platform body.....	1446
Chassis and cab with 9-foot stake body.....	1499

Model WHM-47 (T-130), Truck, Cab over engine, 2-ton, 129" wheelbase, and Model WGM-42 (T-130), Truck, Cab over engine, 1½-ton special, 129" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$1246
Chassis with windshield cowl.....	1273
Chassis and cab.....	1386
Chassis and cab with 12-foot platform body.....	1481
Chassis and cab with 12-foot stake body.....	1546

Model WHM-48 (T-130), Truck, Cab over engine, 2-ton, 159" wheelbase, and Model WGM-43 (T-130), Truck, Cab over engine, 1½-ton special, 159" wheelbase; 1942 standard equipment, plus 2" front springs and additional minor equipment and specification changes; equipped with synthetic rubber tires of base tire size:

Chassis with flat faced cowl.....	\$1316
Chassis with windshield cowl.....	1343
Chassis and cab.....	1456

4. Subparagraph (2) (i) of paragraph (d) is amended to read as follows:

(2) *Charges.* (i) A charge for extra, special and optional equipment, not to exceed the charge the reseller had in effect on March 31, 1942 to the applicable class of purchasers for such equipment, when sold as original equipment; except, that for the following equipment, when sold as original equipment, a charge not to exceed the following applicable "Retail List Prices" (subject to the discounts in effect on March 31, 1942, to the applicable class of purchasers):

*Description and retail list price*

Eaton 2-speed rear axle (16,050 pounds) for 2-ton models, \$157.50.

5. Subparagraph (1) (i) of paragraph (g) is amended to read as follows:

(1) *Charges.* (i) A charge equal to the original equipment factory retail charge made on March 31, 1942 by the Chrysler Corporation to the applicable class of purchasers, for extra, special and optional equipment attached to the truck as original equipment; except, that for the following equipment, when sold attached as original equipment, a charge not to exceed the following applicable "Retail List Prices" (subject to the discounts in effect on March 31, 1942, to the applicable class of purchasers):

*Description and retail list price*

Eaton 2-speed rear axle (16,050 pounds) for 2-ton models, \$157.50.

6. All requests not granted herein are denied.

7. This amendment may be revoked or amended by the Administrator at any time.

This amendment shall become effective November 20, 1945.

Issued this 20th day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21106; Filed, Nov. 20, 1945; 3:52 p. m.]

[RMPR 136, Amdt. 2 to Order 447]

CHRYSLER CORP.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 2 to Order No. 447 Under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Chrysler Corporation; Docket No. 6083-136.21-359.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

Order No. 447, as amended, under Revised Maximum Price Regulation 136 is amended in the following respects:

1. Subparagraph (1) of paragraph (a) is amended to read as follows:

(1) *Model, description and net wholesale price.*

Model WC (T-112), Truck, commercial, ½-ton, 116" wheelbase; with 1942 standard

equipment and specifications except that it is equipped with synthetic tires of base tire size:

Chassis with flat faced cowl.....	\$513
Chassis with windshield cowl.....	532
Chassis and cab.....	605
Chassis and cab with express box.....	631
Chassis with panel body.....	707

Model WD-20 (T-116) Truck, 1-ton, 120" wheelbase; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

Chassis with flat faced cowl.....	\$611
Chassis with windshield cowl.....	630
Chassis and cab.....	703
Chassis and cab with 7½-foot express body.....	734
Chassis and cab with 7½-foot platform body.....	741
Chassis and cab with 7½-foot stake body.....	760

Model WD-21 (T-116) Truck, 1-ton, 133" wheelbase; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

Chassis with flat faced cowl.....	\$624
Chassis with windshield cowl.....	643
Chassis and cab.....	716
Chassis and cab with 9-foot express body.....	757
Chassis and cab with 9-foot platform body.....	760
Chassis and cab with 9-foot stake body.....	776

2. Subparagraph (2) (i) of paragraph (a) is amended to read as follows:

(2) *Charges.* (i) A charge for extra, special, and optional equipment not to exceed the "net wholesale prices" in effect on March 31, 1942 (subject to the discounts in effect on March 31, 1942 to the applicable class of purchasers) for such equipment when sold as original equipment;

3. Subparagraph (1) of paragraph (c) is amended to read as follows:

(1) *Model, description, and "Retail list price", f. o. b. factory, Detroit, Michigan.*

Model WC (T-112), Truck, commercial, ½-ton, 116" wheelbase; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

Chassis with flat faced cowl.....	\$675
Chassis with windshield cowl.....	700
Chassis and cab.....	795
Chassis and cab with express box.....	830
Chassis with panel body.....	930

Model WD-20 (T-116) Truck, 1-ton, 120" wheelbase; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

Chassis with flat faced cowl.....	\$805
Chassis with windshield cowl.....	830
Chassis and cab.....	925
Chassis and cab with 7½-foot express body.....	966
Chassis and cab with 7½-foot platform body.....	975
Chassis and cab with 7½-foot stake body.....	1000

Model WD-21 (T-116) Truck, 1-ton, 133" wheelbase; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

Chassis with flat faced cowl.....	\$822
Chassis with windshield cowl.....	847
Chassis and cab.....	942
Chassis and cab with 9-foot express body.....	996
Chassis and cab with 9-foot platform body.....	1000
Chassis and cab with 9-foot stake body.....	1021

4. Subparagraph (2) (i) of paragraph (c) is amended to read as follows:

(2) *Charges.* (i) A charge for extra, special and optional equipment, not to exceed the charge the reseller had in effect on March 31, 1942, for such equipment, when sold as original equipment;

5. Subparagraph (1) (i) of paragraph (d) is amended to read as follows:

(1) *Charges.* (i) A charge equal to the original equipment factory retail charge made on March 31, 1942, by the Chrysler Corporation for the extra, special and optional equipment attached to the truck as original equipment;

6. All requests not granted herein are denied.

7. This amendment may be revoked or amended by the Administrator at any time.

This amendment shall become effective November 20, 1945.

Issued this 20th day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21107; Filed, Nov. 20, 1945;  
3:52 p. m.]

[RMPR 436, Amdt. 9 to Order 37]

CRUDE PETROLEUM AND NATURAL AND  
PETROLEUM GAS

#### ADJUSTMENT OF MAXIMUM PRICE

An opinion accompanying this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) of Order No. 37 of Revised Maximum Price Regulation No. 436 is amended in the following respects:

1. The following pools with the designated increases are hereby added thereto:

Pool, County, and State:	Amount of increase per 42-gallon barrel
Mountain View, Kern, Calif.	\$0.02
Ft. Collins, Larimer, Colo.	.24
Catherine, Ellis, Kans.	.25
Lake Mongoulois, St. Martin, La.	.24
Atlantic, Osage, Okla.	.20
Barker, Osage, Okla.	.35
Empire, Stephens, Okla.	.35
Kendrick, Lincoln, Okla.	.17
Lovell, Logan, Okla.	.25
March North, Payne, Okla.	.20
Norfolk West, Payne, Okla.	.25
Seminole East, Seminole, Okla.	.25
Signal Hill, Osage, Okla.	.20
St. Louis District, Pottawatomie, Okla.	.20
St. Louis North, Pottawatomie, Okla.	\$0.35
Tuskegee East, Creek, Okla.	.20
Hendrick, Winkler, Tex.	.25
Iatan-East Howard, Howard, Tex.	.02
Lubbock, Lubbock, Tex.	.35
Remo (Osborne area), Wheeler, Tex.	.25
Teel (Osborne area), Wheeler, Tex.	.25

This amendment shall become effective as of November 1, 1945.

Issued this 21st day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21166; Filed, Nov. 21, 1945;  
4:24 p. m.]

[Order 101 Under 18 (c), Amdt. 1]

#### BREAD

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, the Stabilization Act of 1942, both as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(1) That Order No. 101 issued under § 1499.18 (c) as amended of the General Maximum Price Regulation is amended in the following respect:

The first unnumbered subparagraph of paragraph (b) is amended to read as follows:

That the maximum price on all sales at wholesale of standard bread baked in a one and one-half pound loaf in the following counties of the State of California, to wit: Los Angeles, San Diego, Kern, San Luis Obispo, Santa Barbara, Riverside, Imperial, Orange, San Bernardino and Ventura, shall be the appropriate one of the following:

(2) That this amendment shall become effective November 24, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

Approved: November 16, 1945.

J. B. HUTSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-21237; Filed, Nov. 23, 1945;  
11:50 a. m.]

[SO 94, Order 87]

#### CERTAIN ARMY MACKINAW COATS

##### SPECIAL MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices for resellers of certain Army mackinaw coats hereinafter described, which have been or may be purchased from the Reconstruction Finance Corporation or any other U. S. Government agency.

(b) *Maximum prices.* Maximum prices per new Army mackinaw coat described herein shall be:

*Description of coat.* Army mackinaw coat 100% wool lined, two outside pockets, four buttons, flap on wrists, label in coat states: "Army Q. M. Phila. Coats Mackinaw, O. D., Stock No. 55-C-33110, Q. M. C. Tent Spec., P. Q. D. No. 252A. Dated 4/19/43, Phila. Q. M. Depot."

Price for all sales at wholesale, f.o.b. shipping point..... \$7.50  
Price for all sales at retail..... 12.50

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the mackinaw coats described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum price, and stating that the retailer is required by this order to attach to each mackinaw coat before sale a tag or label which plainly states a selling price not in excess of \$12.50.

(e) *Tagging.* Any person who sells the mackinaw coats described in paragraph (b) at retail shall attach to each coat before sale a tag or label which plainly states a selling price not in excess of \$12.50 as follows:

OPA price—\$-----

(f) *Relation to other regulations and orders.* This order with respect to the commodities it covers supersedes any other regulation or order previously issued by the Office of Price Administration.

(g) *Definitions.* (1) "Sale at wholesale" means a sale by any person to any other person who is not a user or ultimate consumer.

(2) "Sale at retail" is a sale by any person to a user or ultimate consumer.

(h) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective November 27, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21260; Filed, Nov. 23, 1945;  
11:50 a. m.]

[RMPR 136, Amdt. 1 to Order 433]

#### INTERNATIONAL HARVESTER CO.

##### APPROVAL OF MAXIMUM PRICES

Amendment 1 to Order 433 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. International Harvester Company. Docket No. 6083-136.21-611.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

1. Paragraph (a) (1) of Order 433 under Revised Maximum Price Regulation 136 is amended to read as follows:

(1) *List price.* The following applicable list price, f. o. b. factory, to which shall be applied the seller's discounts in effect on March 31, 1942 to the applicable class of purchaser:

*List price*  
Model No. and Description: f. o. b. factory  
K-3; Chassis, truck, with 130" wheelbase, GRD 214 engine, flat top cowl, 700 x 10, 6 ply tires of crude rubber, sparo wheel and carrier, 3 speed remote control transmission and all 1942 standard equipment..... \$810

2. Paragraph (b) (1) of Order 433 is amended to read as follows:

## (1) List price.

*List price*  
Model No. and Description: f. o. b. factory  
K-3; Chassis, truck, with 130" wheelbase, GRD 214 engine, flat top cowl, 700 x 16, 6 ply tires of crude rubber, spare wheel and carrier, 3 speed remote control transmission and all 1942 standard equipment..... \$810

This amendment shall become effective November 26, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21243; Filed, Nov. 23, 1945; 11:50 a. m.]

[RMPR 136, Amdt. 3 to Order 259]

GENERAL MOTORS CORP.

## ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 3 to Order No. 259 under Revised Maximum Price Regulation 136. Machines, parts, and industrial equipment. GMC truck and coach Division, General Motors Corporation; Docket No. 3136-468.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

Paragraph (a) (1) of Order 259, as amended, under Revised Maximum Price Regulation 136 is amended in the following respects:

1. The Model No. "CC 305" is changed to read "CCS 305".
2. The following six models and their respective list prices f. o. b. factory are added to the schedule in paragraph (a) (1):

Model No.	Description	List price f. o. b. factory
CC302	Chassis of 134 1/2" wheelbase and gross weight range from 9,000 to 14,000 pounds with #1374 cab, #1534 stake body and 1942 standard equipment.	\$1,005
CC303	Chassis of 169" wheelbase and gross weight range from 9,000 to 14,000 pounds with #1574 cab, #1535 stake body and 1942 standard equipment.	1,065
CC303	Chassis of 169" wheelbase, gross weight range from 9,000 to 14,000 pounds, #1580 panel body, 1942 standard equipment with: (1) rear fenders for single rear tires; or (2) rear fenders for dual rear tires.	1,100 1,140
CF301	Cab over engine chassis of 109 1/2" wheelbase and gross weight range from 9,000 to 15,000 pounds with #1581 cab and 1942 standard equipment.	1,075
CF302	Cab over engine chassis of 132 3/8" wheelbase and gross weight range from 9,000 to 15,000 pounds with #1581 cab and 1942 standard equipment.	1,100
CF303	Cab over engine chassis of 153 1/2" wheelbase and gross weight range from 9,000 to 15,000 pounds with #1581 cab and 1942 standard equipment.	1,125

This amendment shall become effective November 24, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21242; Filed, Nov. 23, 1945; 11:46 a. m.]

[RMPR 136, Amdt. 1 to Rev. Order 409]

GENERAL MOTORS CORP.

## ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Revised Order No. 460 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. GMC Truck and Coach Division, General Motors Corporation; Docket No. 6083-136.21-324.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

Paragraph (a) (1) of Revised Order No. 460 under Revised Maximum Price Regulation No. 136 is amended to add the following two models and their respective list prices to the schedule in that paragraph:

Model No.	Description	List price f. o. b. factory
CC101	Chassis, truck, 1/2 ton commercial, 115" wheelbase, #1583 panel body, 1942, standard equipment with synthetic tires.	\$857
CC102	Chassis, truck, 1/2 ton commercial, 123 1/2" wheelbase, #1589 panel body, 1942, standard equipment with synthetic tires.	692

This amendment shall become effective November 24, 1945.

Issued this 23d day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21244; Filed, Nov. 23, 1945; 11:52 a. m.]

## Regional and District Office Orders.

[Region III Order G-25 under 18 (c), Amdt. 9]  
FLUID MILK AND SPECIAL MILK IN OHIO

For the reasons set forth in an opinion attached hereto and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, *It is hereby ordered, That:*

(a) The Counties of Athens and Washington are deleted from the list of counties appearing in paragraph (II) of Schedule A of Order No. G-25 under § 1499.18 (c) of the General Maximum Price Regulation (General Order adjusting the maximum prices of approved fluid milk and special milk in the State of Ohio);

(b) Paragraph (III) of Schedule A of the above order is amended to read as follows:

(iii) Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the Counties of Ashtabula, Athens, Clark, Erie, Logan, Miami, Ottawa, Sandusky, Scioto, Shelby, and Washington; the Townships of Auburn, Burton, Claridon, Hambden, Huntsburg, Middlefield, Montville, Newberry, Parkman, Thompson, and Troy in Geauga County; the Township of Miami in

Greene County; the Townships of Leroy, Madison and Perry in Lake County; the Townships of Amherst, Brownhelm, Henrietta and Russia in the County of Lorain; the Townships of Bloomfield, Bristol, Farmington, Greene, Gustavus, Johnston, Kinsman, Mecca, Mesopotamia and Vernon in Trumbull County, all in the State of Ohio.

*Type of Delivery, Container, Size, and Adjusted Maximum Price*

Retail; glass or other; one gallon or multiples thereof; 52¢ per gallon.

Retail; glass or paper; one-half gallon or multiples thereof; 23¢ per half-gallon.

Retail; Glass or paper; one quart or multiples thereof; 14 1/2¢ per quart.

Retail; glass or paper; one pint; 8 1/2¢ per pint.

Retail; glass or paper; one-half pint, 7¢ per half-pint.

Wholesale; glass or other; one gallon or multiples thereof; 47¢ per gallon.

Wholesale; glass or paper; one-half gallon or multiples thereof; 24¢ per half-gallon.

Wholesale; glass or paper; one quart or multiples thereof; 12 1/2¢ per quart.

Wholesale; glass or paper; one pint; 7 1/2¢ per pint.

Wholesale; glass or paper; one-half pint; 4¢ per half-pint.

This amendment shall become effective November 20, 1945.

Issued: November 20, 1945.

J. F. KESSEL,  
Regional Administrator.

Approved: November 19, 1945.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 45-21163; Filed, Nov. 20, 1945; 3:52 p. m.]

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register November 9, 1945.

## REGION I

Hartford Order 5-F, Amendment 27, covering fresh fruits and vegetables in Waterbury and Watertown. Filed 9:37 a. m.

Hartford Order 6-F, Amendment 27, covering fresh fruits and vegetables in the Hartford area. Filed 9:37 a. m.

Hartford Order 7-F, Amendment 27, covering fresh fruits and vegetables in the New Haven area. Filed 9:37 a. m.

Hartford Order 8-F, Amendment 27, covering fresh fruits and vegetables in the Bridgeport area. Filed 9:39 a. m.

## REGION II

Pittsburgh Order 16, Amendment 2, covering dry groceries in the Pittsburgh Marketing area. Filed 9:38 a. m.

Pittsburgh Order 17, Amendment 2, covering dry groceries in the Pittsburgh Marketing area. Filed 9:38 a. m.

Pittsburgh Order 18, Amendment 2, covering dry groceries in the Pittsburgh Marketing area. Filed 9:38 a. m.

Pittsburgh Order 19, Amendment 1, covering dry groceries in the Erie Marketing area. Filed 9:38 a. m.

Pittsburgh Order 20, Amendment 1, covering dry groceries in the Erie Marketing area. Filed 9:39 a. m.

Pittsburgh Order 21, Amendment 1, covering dry groceries in the Erie Marketing area. Filed 9:39 a. m.

## REGION III

Charleston Order 7-F, Amendment 37, covering fresh fruits and vegetables in the counties of Lincoln, Logan, Mingo and Wayne counties of West Virginia except the City of Huntington. Filed 9:35 a. m.

Charleston Order 9-F, Amendment 37, covering fresh fruits and vegetables in Cabell County and the City of Huntington in Wayne County, West Virginia. Filed 9:35 a. m.

Charleston Order 10-F, Amendment 37, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:35 a. m.

Charleston Order 11-F, Amendment 37, covering fresh fruits and vegetables in Berkeley, Jefferson and Morgan counties, West Virginia. Filed 9:35 a. m.

Charleston Order 14-F, Amendment 11, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:35 a. m.

Grand Rapids Order 14-F (Appendix A), Amendment 99, covering fresh fruits and vegetables in the City of Grand Rapids, Michigan. Filed 9:37 a. m.

Grand Rapids Order 14-F (Appendix C), Amendment 73, covering fresh fruits and vegetables in certain areas in Michigan. Filed 9:37 a. m.

Charleston Order 15-F, Amendment 33, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:36 a. m.

Charleston Order 15-F, Amendment 34, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:36 a. m.

Charleston Order 16-F, Amendment 33, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 9:36 a. m.

Grand Rapids Order 14-F (Appendix B), Amendment 99, covering fresh fruits in the cities of Battle Creek, Kalamazoo and Muskegon, Michigan. Filed 9:37 a. m.

## REGION IV

Atlanta Order 12-F, Amendment 2, covering fresh fruits and vegetables in the Atlanta-Decatur Metropolitan Trade Area. Filed 9:39 a. m.

Atlanta Order 13-F, Amendment 2, covering fresh fruits and vegetables in certain areas outside of the Atlanta-Decatur Trade Area. Filed 9:39 a. m.

Atlanta Order 14-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Georgia. Filed 9:39 a. m.

Atlanta Order 15-F, Amendment 2, covering fresh fruits and vegetables in Bibb and Muscogee counties, Georgia & Phenix City, Alabama. Filed 9:40 a. m.

Atlanta Order 36-W, Amendment 1, covering dry groceries in the Atlanta area. Filed 9:40 a. m.

Atlanta Order 37, Amendment 1, covering dry groceries in the Atlanta area. Filed 9:40 a. m.

Atlanta Order 6-W, Amendment 1, covering dry groceries in the Atlanta area. Filed 9:40 a. m.

Jacksonville Order 13-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Florida. Filed 9:39 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 45-21144; Filed, Nov. 21, 1945;  
4:12 p. m.]

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Divi-

sion of the Federal Register November 15, 1945.

## REGION I

Augusta Order 3-F, Amendment 20, covering fresh fruits and vegetables. Filed 1:29 p. m.

Augusta Order 4-F, Amendment 7, covering fresh fruits and vegetables. Filed 1:29 p. m.

Augusta Order 4-F, Amendment 8, covering fresh fruits and vegetables in certain counties. Filed 1:30 p. m.

Augusta Order 5-F, Amendment 20, covering fresh fruits and vegetables. Filed 1:31 p. m.

Augusta Order 19, Amendment 4, covering dry groceries. Filed 1:33 p. m.

Augusta Order 1-D, Amendment 1, covering dry groceries in certain Maine areas. Filed 1:34 p. m.

Augusta Order 2-W, Amendment 3, covering dry groceries. Filed 1:33 p. m.

Augusta Order 3-F, Amendment 23, covering fresh fruits and vegetables in Portland, South Portland, and Westbrook. Filed 1:29 p. m.

Augusta Order 5-F, Amendment 23, covering fresh fruits and vegetables in Bangor and Brewer. Filed 1:32 p. m.

Hartford Order 5-F, Amendment 28, covering fresh fruits and vegetables in Waterbury and Watertown. Filed 1:36 p. m.

Hartford Order 6-F, Amendment 28, covering fresh fruits and vegetables in the Hartford area. Filed 1:36 p. m.

Hartford Order 7-F, Amendment 28, covering fresh fruits and vegetables in the New Haven area. Filed 1:38 p. m.

Hartford Order 8-F, Amendment 28, covering fresh fruits and vegetables in the Bridgeport area. Filed 1:38 p. m.

Hartford Order 9-F, Amendment 10, covering fresh fruits and vegetables in the State of Connecticut except certain cities and towns. Filed 1:39 p. m.

## REGION II

Altoona Order 2-F, Amendment 47, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 1:39 p. m.

Binghamton Order 2-F, Amendment 58, covering fresh fruits and vegetables in certain county in New York. Filed 1:40 p. m.

Binghamton Order 17, Amendment 3, covering dry groceries in the Binghamton District. Filed 1:40 p. m.

Binghamton Order 4-W, Amendment 2, covering dry groceries in the Binghamton District. Filed 1:41 p. m.

Camden Order 3-F, Amendment 58, covering fresh fruits and vegetables in the Camden, Burlington, Gloucester, Salem & Cumberland counties. Filed 1:41 p. m.

Camden Order 4-F, Amendment 58, covering fresh fruits and vegetables in Atlantic & Cape May counties, New Jersey. Filed 1:44 p. m.

Camden Order 23, Amendment 1, covering dry groceries in certain counties and towns in New Jersey. Filed 1:44 p. m.

Camden Order 24, Amendment 1, covering dry groceries in certain counties in New Jersey except the towns of Crosswicks, Columbus and Ewansville, N. J. Filed 1:45 p. m.

Camden Order 25, Amendment 1, covering dry groceries in certain counties in New Jersey. Filed 1:46 p. m.

Harrisburg Order 2-F, Amendment 47, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 1:48 p. m.

Camden Order 6-W, Amendment 1, covering dry groceries in certain counties in New Jersey. Filed 1:46 p. m.

District of Columbia Order 5-F, Amendment 35, covering fresh fruits and vegetables in the District of Columbia area. Filed 1:48 p. m.

## REGION V

Kansas City Order 11-F, covering fresh fruits and vegetables in Jasper county, Missouri. Filed 1:07 p. m.

Little Rock Order 9-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 1:14 p. m.

Little Rock Order 10-F, Amendment 17, covering fresh fruits and vegetables in Garland county, Arkansas. Filed 1:16 p. m.

Little Rock Order 12-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Kansas. Filed 1:16 p. m.

Little Rock Order 13-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Arkansas and in Bowie county, Texas. Filed 1:18 p. m.

Little Rock Order 14-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 1:18 p. m.

Little Rock Order 15-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 1:19 p. m.

New Orleans Order 3-F, Amendment 15, covering fresh fruits and vegetables in the State of Louisiana, Parishes of Orleans, St. Bernard and Jefferson except Grand Isle. Filed 1:20 p. m.

New Orleans Order 4-F, Amendment 4, covering fresh fruits and vegetables in certain parishes in Louisiana. Filed 1:21 p. m.

New Orleans Order 5-F, Amendment 7, covering fresh fruits and vegetables in the cities of Shreveport, Bossier City, Monroe, and West Monroe in Louisiana. Filed 1:24 p. m.

New Orleans Order 6-F, Amendment 7, covering fresh fruits and vegetables in certain parishes of Louisiana except the cities of Shreveport, Bossier City, Monroe and West Monroe, Louisiana. Filed 1:24 p. m.

New Orleans Order 31-C, covering poultry in the State of Louisiana. Filed 1:26 p. m.

New Orleans Order 32-C, covering poultry in the State of Louisiana. Filed 1:27 p. m.

## REGION VI

Fargo Order 1-F, Amendment 18, covering fresh fruits and vegetables in certain counties in North Dakota. Filed 1:00 p. m.

Fargo Order 2-F, Amendment 18, covering fresh fruits and vegetables in certain counties in North Dakota. Filed 1:01 p. m.

Fargo Order 3-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Minnesota. Filed 1:02 p. m.

Fargo Order 30, Amendment 2, covering dry groceries in the State of North Dakota and certain counties in the State of Minnesota. Filed 1:03 p. m.

Green Bay Order 7-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Wisconsin except the town of Washington. Filed 1:03 p. m.

Green Bay Order 8-F, Amendment 7, covering fresh fruits and vegetables in certain counties and cities in Wisconsin. Filed 1:03 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 45-21141; Filed, Nov. 21, 1945;  
4:12 p. m.]

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register November 15, 1945:

## REGION II

Albany Order 10-F, Amendment 22, covering fresh fruits and vegetables in the Cities of Albany, Cohoes, Rensselaer, Schenectady, Troy, and Watervliet and the Town of Green Island, New York. Filed 3:23 p. m.

Newark Order 7-F, Amendment 30, covering fresh fruits and vegetables in the counties of Essex, Bergen, Hudson, Passaic, Sussex,

Morris and Union, and the Borough of North Plainfield in Somerset County, N. J. Filed 3:17 p. m.

Scranton Order 4-F, Amendment 49, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:17 p. m.

Scranton Order 18, Amendment 2, covering dry groceries in certain counties in Pennsylvania. Filed 3:17 p. m.

Scranton Order 19, Amendment 2, covering dry groceries in certain counties in Pennsylvania. Filed 3:18 p. m.

Trenton Order 5-C, covering poultry in the Trenton, New Jersey, District. Filed 3:18 p. m.

Trenton Order 6-C, covering poultry in the Trenton, New Jersey District. Filed 3:18 p. m.

Trenton Order 12-F, Amendment 34, covering fresh fruits and vegetables in the counties of Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Warren, and all of Somerset county, except the Borough of North Plainfield, New Jersey. Filed 3:18 p. m.

Trenton Order 1-M, Amendment 1, covering certain bottled and canned domestic Malt Beverages sold for consumption off the Retailer's premises. Filed 3:18 p. m.

#### REGION III

Cincinnati Order 4-F, Amendment 45, covering fresh fruits and vegetables in Hamilton county, Ohio. Filed 3:18 p. m.

Cincinnati Order 8-F, Amendment 15, covering fresh fruits and vegetables in certain counties in Ohio, excluding Union City and College Corner, Ohio. Filed 3:18 p. m.

Columbus Order 10-F, Amendment 18, covering fresh fruits and vegetables in the counties of Franklin, Logan and Muskingum, Ohio. Filed 3:19 p. m.

Columbus Order 11-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Ohio. Filed 3:19 p. m.

Columbus Order 2-C, Amendment 1, covering poultry in certain counties in Ohio. Filed 3:19 p. m.

Columbus Order 3-C, Amendment 1, covering poultry in certain counties in Ohio. Filed 3:19 p. m.

Columbus Order 1-D, Amendment 1, covering butter and cheese in certain counties in Ohio. Filed 3:19 p. m.

Columbus Order 2-D, Amendment 1, covering butter and cheese in certain counties in Ohio. Filed 3:19 p. m.

Grand Rapids Order 14-F (Appendix A) Amendment 100, covering fresh fruits and vegetables in the city of Grand Rapids, Michigan. Filed 3:20 p. m.

Grand Rapids Order 14-F, (Appendix B) Amendment 100, covering fresh fruits and vegetables in the cities of Battle Creek, Kalamazoo and Muskegon, Michigan. Filed 3:20 p. m.

Grand Rapids Order 14-F, (Appendix D) Amendment 26, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:20 p. m.

Indianapolis Order 3-O, Amendment 1, covering eggs in certain counties in Indiana. Filed 3:20 p. m.

Indianapolis Order 4-O, Amendment 1, covering eggs in certain counties in Indiana. Filed 3:20 p. m.

Toledo Order 1-D, Amendment 1, covering butter and cheese in the Toledo, Ohio District area. Filed 3:21 p. m.

#### REGION IV

Atlanta Order 15-F, Amendment 3, covering fresh fruits and vegetables in Bibb & Muscogee counties, Georgia, & Phenix City, Alabama. Filed 3:21 p. m.

Atlanta Order 16, Amendment 10, covering eggs in certain counties in Georgia. Filed 3:21 p. m.

Atlanta Order 17, Amendment 10, covering eggs in certain counties in Georgia. Filed 3:21 p. m.

Atlanta Order 18, Amendment 10, covering eggs in certain counties in Georgia. Filed 3:22 p. m.

Atlanta Order 37, Amendment 2, covering dry groceries in the Atlanta District area. Filed 3:22 p. m.

Atlanta Order 6-W, Amendment 2, covering dry groceries in the Atlanta District area. Filed 3:22 p. m.

Atlanta Order 36, Amendment 2, covering dry groceries in the Atlanta District area. Filed 3:22 p. m.

Jacksonville Order 14-F, Amendment 4, covering fresh fruits and vegetables in Jacksonville, Florida. Filed 3:22 p. m.

Miami Order 4-W, Amendment 2, covering dry groceries in certain areas in Florida. Filed 3:23 p. m.

Montgomery Order 26-F, Amendment 4, covering fresh fruits and vegetables in Mobile county. Filed 3:23 p. m.

Montgomery Order 27-F, Amendment 5, covering fresh fruits and vegetables in Montgomery county. Filed 3:23 p. m.

Montgomery Order 28-F, Amendment 4, covering fresh fruits and vegetables in Houston county. Filed 3:23 p. m.

Montgomery Order 29-F, Amendment 4, covering fresh fruits and vegetables in Dallas county. Filed 3:24 p. m.

Roanoke Order 13-F, Amendment 5, covering fresh fruits and vegetables in certain cities and counties in Virginia. Filed 3:23 p. m.

Roanoke Order 18, Amendment 4, covering dry groceries. Filed 3:21 p. m.

Roanoke Order 3-C, Amendment 1, covering poultry. Filed 3:21 p. m.

Roanoke Order 4-C, Amendment 1, covering poultry. Filed 3:21 p. m.

Roanoke Order 6-W, Amendment 3, covering dry groceries. Filed 3:21 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 45-21143; Filed Nov. 21, 1945;  
4:13 p. m.]

### SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1163]

UNION ELECTRIC CO. OF MISSOURI AND  
UNION ELECTRIC LAND AND DEVELOPMENT  
Co.

#### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of November 1945.

Notice is hereby given that an application or declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Union Electric Company of Missouri (Union), a registered holding company, and its subsidiary company, Union Electric Land and Development Company (Subsidiary).

Notice is further given that any interested person may not later than December 3, 1945, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as

filed or as amended, may become effective or may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Union proposes to acquire from Subsidiary 90 purchase money notes aggregating \$90,882 and 4 rental notes aggregating \$192, subject to adjustment for payments on such notes between August 31, 1945, and the time of delivery from Subsidiary. On August 20, 1945, Subsidiary sold all its remaining real estate holdings for \$311,001 in cash which amount, together with other funds, has been applied to its indebtedness to Union. Further, Subsidiary now proposes to pay over to Union the remainder of its cash, together with all of its other assets, including such purchase money notes and such rental notes. It is stated that such transactions comply with the Commission's order of April 14, 1942 (Holding Company Act Release No. 3405), requiring Union to sever its relationship with Subsidiary by disposing of its direct or indirect ownership of securities issued and properties owned by Subsidiary. It is further stated that the indebtedness owing by Subsidiary to Union exceeds the valuation of Subsidiary's assets less reserve and other liabilities. Thus, it is proposed to transfer the assets of Subsidiary to Union in payment pro tanto of such indebtedness. After such transfer, Subsidiary proposes to dissolve without the surrender of its outstanding shares of capital stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 45-21152; Filed, Nov. 23, 1945;  
10:16 a. m.]

### WAR SHIPPING ADMINISTRATION.

LIBBY SCOW V #1

#### DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress).

Whereas on May 12, 1942 title to the vessel "Libby Scow V #1," (170046) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943, (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which



has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided, however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. \* \* \*

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: November 21, 1945.

[SEAL]

E. S. LAND,  
Administrator.

[F. R. Doc. 45-21195; Filed, Nov. 23, 1945;  
11:02 a. m.]

#### LIBBY SCOW V #2

##### DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943, (Public Law 17, 78th Congress).

Whereas on May 13, 1942 title to the vessel "Libby Scow V #2," (170254) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943, (Public Law 17,

78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941, (Public Law 101, Seventy-seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided, however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. \* \* \*

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: November 21, 1945.

[SEAL]

E. S. LAND,  
Administrator.

[F. R. Doc. 45-21196; Filed, Nov. 23, 1945;  
11:02 a. m.]

#### LIBBY SCOW V #4

##### DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Congress).

Whereas on May 9, 1942, title to the vessel "Libby Scow V #4" (171585) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided, however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. \* \* \*

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: November 21, 1945.

[SEAL]

E. S. LAND,  
Administrator.

[F. R. Doc. 45-21197; Filed, Nov. 23, 1945;  
11:02 a. m.]